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Author: Brian John Rothwell

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ABSTRACT FOR THESIS



Faculty of Humanities and Social Sciences

The Impact of the 1883 Municipal Corporations Act

Brian John Rothwell

Doctor of Philosophy

December 2014

The aim of this thesis is to contribute an un-researched strand to the analysis of local government reform in the nineteenth century. The 1883 Municipal Corporations Act (MCA) has not attracted the attention of historians. It was a minor local government statute; the objective being to sweep away a rump of 110 undemocratic borough corporations in small market towns.

The 1883 MCA had a differing impact on these ancient corporations. It forced twenty-eight of them to reform and allowed three more to remain in existence but stripped them of municipal powers. Four more towns were specifically granted permission to elect an 'honorary' mayor but that position held no municipal responsibilities. In addition, seventy-six corporations were summarily abolished on or before 29 September 1886.

In thirty-one of these abolished boroughs, the corporations owned no property or trading rights; in the other forty-five, however, they did. In eight of these towns, their corporation's assets and rights were transferred into local government bodies and they were subsumed into the county, district and parish councils established by the Local Government Acts of 1888 and 1894.

In the remaining thirty-seven towns, charitable trusts were created as the repositories for the assets and rights of their abolished corporations. It is these trusts that are the focus of this thesis. They were created as charities and they possess public assets; the third (voluntary) sector therefore owning what should be (in today's terms) in the second (public) sector.

With the creation of parish councils shortly after their foundation, these trusts quickly became a halfway house between the undemocratic ancient borough corporation and the full local democracy that was introduced at parish level in 1895. Their structure is 'semi-democratic', with both elected councillor involvement but also volunteers acting as co-opted trustees. There is no accountability to the tiers of local government; they report to the Charity Commission.

It is these ambiguities that have caused, and in some cases still cause, local governance problems in some of the towns affected. The 1883 MCA has had a long reach; thirty-five of these charitable trusts still exist and they are having a differing impact on the local governance of the towns concerned. The aim of this thesis is to establish what that impact has been and what it is today.

CONTENTS

Chapter	Title	Page
	Abstract	1
	Contents	2
	List of illustrations	5
	List of tables	6
	List of abbreviations	8
	Declaration and Copyright Statement	9
	Dedication	10
	Acknowledgements	11
Preface	New Alresford Town Trust	12
Introduction		17
	0.1 The origins of the town trusts	17
	0.2 The changing scope of the project	22
	0.3 The structure of the original town trusts	29
	0.4 The first parish councils	34
	0.5 Conclusions	36
One	Research methodology	39
	1.1 Introduction	39
	1.2 Research methodology at local level	39
	1.3 Contacting the current town trustees	45
	1.4 Trustee interviews	47
	1.5 Secondary sources	49
	1.6 A case study approach	50
	1.7 Research methodology conclusions	51
Two	Historiography	54
	2.1 Introduction	54
	2.2 The ancient borough corporations	55
	2.3 The Royal Commission of 1833-5	58
	2.4 The 1832 Reform Act	64
	2.5 The 1835 MCA	74
	2.6 Tranches of borough reform prior to 1867	79
	2.7 The continuing expansion of borough reform, 1867-82	83
	2.8 The last rump of unreformed borough corporations	87
	2.9 Conclusions	94
Three	The reach of the 1883 MCA	97
	3.1 Introduction	97
	3.2 Its differing impact on 110 boroughs	97
	3.3 Chipping Sodbury Town Trust	104
	3.4 Midhurst Town Trust	106
	3.5 The Clun Town Trust	109

	3.6	Berkeley Town Hall Trust	110
	3.7	East Looe Town Trust	112
	3.8	Stratford-upon-Avon Town Trust	113
	3.9	The survival rate of the cadre of town trusts	115
	3.10	Conclusions	116
Four		Local reactions to the abolition of the corporations	119
	4.1	Introduction	119
	4.2	Local reactions, 1882-6	120
	4.3	Local reactions after abolition	127
	4.4	The vestry elections, 1888-91	130
	4.5	Conclusions	131
Five		Why the Town Trusts were formed as charities?	134
	5.1	Introduction	134
	5.2	Charities in nineteenth-century England	134
	5.3	Possible precedents	138
	5.4	The Royal Commission (1876-80) recommendations	140
	5.5	Sir Charles Dilke	143
	5.6	The results of Dilke's decision	148
	5.7	Conclusions	150
Six		Why the Town Trusts survived?	153
	6.1	Introduction	153
	6.2	The first generation of town trustees	154
	6.3	The first parish councils and the Charity Commission	157
	6.4	Trust law	159
	6.5	Charitable trusts	161
	6.6	Divestment of assets	164
	6.7	Permanent endowments	167
	6.8	Attitudinal hypotheses about the first parish councillors	170
	6.9	Conclusions	173
Seven		The Town Trusts today	175
	7.1	Introduction	175
	7.2	Town Trusts and local governance problems	177
	7.3	Town Trusts: of benefit to their communities	180
	7.4	Town Trusts: used to cause local governance problems	183
	7.5	Town Trusts: caused recent local governance problems	189
	7.6	Town Trusts: failed to respond to requests for information	196
	7.7	Conclusions	197
Conclusions			201
	8.1	Introduction	201
	8.2	The other town trusts	201
	8.3	Undemocratic, anomalous and anachronistic	202
	8.4	The structure of the town trusts	203
	8.5	The history of the governance of the trust towns	204

8.6	What might make it into future history text books?	205
8.7	What was the foundation intended to achieve?	206
8.8	Why the trusts survived?	207
8.9	The town trusts today	208
8.10	What comes next?	209
Epilogue	New Alresford Town Trust	210
Appendix 1	Municipal boroughs investigated by the Royal Commission 1833-35 and those towns incorporated by the 1835 MCA.	211
Appendix 2	Boroughs disenfranchised and those enfranchised by the 1832 Reform Act	217
Appendix 3	Boroughs incorporated in England and Wales, 1837-82	219
Appendix 4	Boroughs disenfranchised and those enfranchised by the 1867 Reform Act	221
Appendix 5	Boroughs disenfranchised and those enfranchised by the 1884 Reform Act	223
Appendix 6	Towns that formed trusts – populations and revenues, 1835 and 1880	227
Appendix 7	Questionnaire used to interview the representatives of town trusts	228
Appendix 8	Project Information Sheet	231
Appendix 9	Consent Form	232
Appendix 10	Town Trusts that have caused no local governance problems	233
Glossary of Terms		238
Bibliography and sources		243

LIST OF ILLUSTRATIONS

No.	Title	Page
1	The Old Fire Station, Broad Street, New Alresford.	14
2	Commemorative stone of the first incorporation of Camelford, 1259.	18
3	Schedule attached to the scheme of arrangement for Garstang Town Trust.	20
4	Town Hall, Yarmouth, Isle of Wight.	22
5	Map showing the location of the thirty-seven town trusts.	27
6	Ilchester Museum, Somerset	41
7	Marazion Town Hall, Cornwall.	43
8	Commemorative stone of the first incorporation of Marazion, 1595.	60
9	The shield and proclamation on the Town Hall at New Radnor.	70
10	Notice next to the Stocks and Pillory, Midhurst.	108
11	The maces and seal of the Municipal Corporation of Clun.	110
12	East Looe Town Trust Beach	112
13	Page 2 of the 1883 Municipal Corporations Act.	126
14	Sir Charles Dilke, 1843-1911.	149
15	The Bailiff & Burgesses of the Corporation of Garstang, 1870	154
16	J.R. Shield, New Alresford Town Trustee, 1890-1939.	156
17	Enfield Park, Camelford, bequeathing plaque, 1922.	166
18	The Old School House, Bradninch.	169
19	Dursley Town Hall.	184
20	Pevensey 'Pay and Display' Car Park	188
21	Yarmouth Recreation Ground	191

LIST OF TABLES

No.	Title	Page
0.1	Town Trusts originally thought (in 2011) to have been formed in the wake of the 1883 Municipal Corporations Act (MCA).	23
0.2	Abolished corporations that formed town trusts with their counties	25
0.3	Towns that formed trusts – 1871 and 2001 population figures	28
0.4	The structure of the original town trusts	31
0.5	Town Trusts with no split factions	36
1.1	County Record Offices and other archives visited	40
1.2	Town trusts and county record office/other archive	42
1.3	Town trusts and representatives interviewed	47
1.4	Other towns researched	50
1.5	Town trusts and a categorisation of records	52
2.1	Towns that formed trusts – investigated by the Royal Commission, 1833-5	58
2.2	Towns that formed trusts – parliamentary boroughs by royal charter	59
2.3	Towns that formed trusts – Non-parliamentary boroughs by charter	59
2.4	Towns that formed trusts – municipal by self-prescription	60
2.5	Towns that formed trusts – lapsed parliamentary boroughs	64
2.6	Types of English borough franchise post 1826 and prior to 1832	66
2.7	Towns that formed trusts – parliamentary franchise prior to 1832	67
2.8	Towns that formed trusts – disenfranchised boroughs in 1832	69
2.9	Welsh main boroughs and out-boroughs	69
2.10	Towns that formed trusts – Welsh main boroughs and out-boroughs	70
2.11	The changed composition of the House of Commons, 1832	71
2.12	Tranches of borough reform, 1835-67	82
2.13	The changed composition of the House of Commons, 1867	85
2.14	Tranches of borough reform, 1835-82	87
2.15	Towns that formed trusts – new to the commissioners in 1876	90
2.16	Tranches of borough reform, 1835-99.	91
2.17	Towns that formed trusts – origins of governance	92
2.18	Towns that formed trusts – loss of parliamentary borough status	93
3.1	Summary of the 1880 Royal Commissioners report and the fate of the ancient corporations after the 1883 MCA.	98
3.2	Corporations reformed by the 1883 MCA.	100
3.3	Corporations remaining in existence but stripped of municipal powers	100
3.4	Non-municipal corporations allowed to retain the post of mayor	101
3.5	Long extinct corporations	101
3.6	Corporations that had become extinct since 1835	101
3.7	Corporations possessing no property and undertaking no functions	102
3.8	Corporation assets placed in town trusts before the 1883 MCA.	102
3.9	Corporation assets that were destined to remain in local government	103
3.10	Town trusts – foundation dates	103
3.11	Town trusts – their current status	115
3.12	The impact of the 1883 MCA on 110 corporations	117
4.1	Towns represented at the abolition protest meeting in 1882	121

4.2	Towns forming a protest committee in 1882	122
4.3	The first 'representative' town trustees of New Alresford, 5 June 1890	130
4.4	The first town trustees of New Alresford, 10 June 1890	131
6.1	Town Trusts that have been closed	163
6.2	Town Trusts subsumed into their local councils	169
7.1	Town Trusts: those 'closed' and 'no split interests from the start'	177
7.2	Town Trusts: those 'subsumed into their local councils'	178
7.3	Town Trusts: current structure	178
7.4	Town Trusts: current income, spending and net assets	179
7.5	Town Trusts: perceived as being of benefit to their communities	180
7.6	Town Trusts: used to cause local governance problems, but no longer do so	183
7.7	Town Trusts: caused local governance problems	189
7.8	Town Trusts: did not respond to requests for information	197
7.9	A summary of the categorisation of the Town Trusts	197
7.10	A breakdown of the categories	198

LIST OF ABBREVIATIONS

CRO	County Record Office.
LGB	Local Government Board.
MA	Master of Arts.
MCA	Municipal Corporations Acts, 1835, 1882, 1883.
MP	Member of Parliament.
NATT	New Alresford Town Trust.
VCH	Victoria County History.

Note: The abbreviations for the thirty-seven researched archives that feature in the footnotes of this thesis are shown on p. 40 below.

NOTE ON FOOTNOTE REFERENCES

'*Op cit*' has been consistently used for repeated references in the same chapter. The only occasions where 'a short title' instead of '*op cit*' has been used are:

1. Where an author has written two or more books that have been referenced.
2. Where two or more referenced authors possessed the same surname; then a Christian name and 'a short title' have been used.

DECLARATION AND COPYRIGHT STATEMENT

Part of the preface to this thesis was submitted in a dissertation in application for an MA degree in Historical Studies at the University of Winchester in 2011. The rest of the text in the other chapters has not been submitted in support of an application for any other degree at this or any other university or institute of learning.

I confirm that this thesis is entirely my own work.

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Brian Rothwell
New Alresford

December 2014

DEDICATION

This thesis is dedicated to the memory of my wife, Sue Rothwell, who died twenty years too early in October 2013. She was only sixty-three. Four years earlier, she had had no hesitation in encouraging me to undertake an MA in Historical Studies here at The University of Winchester and she was fully supportive of me continuing my academic studies with a PhD in 2011. 'Go for it', she said on both occasions.

Sue was my life partner and my fellow researcher; my ideas' sounding board and my proof reader; my grounder of flights of literary rhetoric and my error eliminator. Above all, she was a wonderful listener. To say, 'I miss her help and understanding' would be a gross understatement but it is certainly true.

She knew her illness was terminal and amongst our last conversations, Sue made me promise to finish this thesis. 'You'll survive me going all the better if you've got something else to focus on,' she said. As usual, she was right. This PhD research project has been my distraction from bereavement and the saviour of my sanity for more than a year now.

So my darling here it is, my thesis – and it is being delivered in line with the time schedule we targetted. All being well, I will receive my doctorate in Winchester Cathedral during October 2015 as we agreed. This document is for you and only for you – it comes with my eternal thanks for a marriage that was brilliant in every respect except one. It was too short!

Brian Rothwell
The University of Winchester Library

December 2014

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My gratitude is certainly due to the staff in all of the County Record Offices (CROs), archives, museums, libraries, heritage centres and town halls I have visited. There were thirty-seven of them in total. All of the staff I met at these institutions were extremely patient with a researcher whose enquiries must at times have seemed unstructured, even naïve. I owe a similar debt to the library staff at The University of Winchester, where this thesis was mainly written, and to the individuals who serve on the telephone help desk at The Charity Commission. The friendliness and helpfulness of archivists, librarians and telephonists has been exemplary.

I thank all of the town trustees, trust clerks and town or parish clerks with whom I have communicated over the the last three and a half years. More than fifty individuals served as my primary sources and many gave up much time to help me. Some I met face-to-face; some were voices on the telephone and others letter and email correspondents. There are too many of them to list here but their names do appear in the Bibliography & Sources section at the back of this book.

I am grateful to Quentin Elston and Samantha O'Sullivan for sharing their expertise in the field of charity law and the ways in which The Charity Commission operates to protect assets in the voluntary sector. My thanks also go to Chrissie Ferngrove for providing me with a room in the Master's Lodge in which I could work on vacation weekends when the university library was closed.

My sister-in law, Jane Sorby, has added considerably to the final overall result by making suggestions and pointing out the errors she found whilst proof reading this text. She kindly volunteered to take over this role after my wife, her sister, died on 12 October 2013. Thank you, Jane.

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Brian Rothwell
The University of Winchester Library

April 2015.

PREFACE

NEW ALRESFORD TOWN TRUST

My interest in the subject matter of this thesis was first aroused during a two-year period (2009-10) when I struggled, as their part-time clerk, to serve the board of New Alresford Town Trust (NATT). I applied for the job in response to a local newspaper advertisement soon after I had retired because I wanted to get know some of the people of the town in which I had lived for the previous ten years. After a forty-year career in senior positions in the City of London, I thought I knew most of the answers to people problems in organisations both large and small. However, nothing I had previously experienced prepared me for dealing with the two warring groups amongst the town trustees. As a servant to both factions, and therefore constantly pulled in two directions at once especially when decisions were needed, I found that my job was difficult at the beginning and by the end it had become impossible.

After I had resigned, and probably because I was unaccustomed to failure, I started to research the history of NATT. I was seeking to discover why the organisation was structured the way that it was and I wanted to find out what had caused it to become so difficult to manage. In this respect I was lucky. Many of NATT's records and those of its predecessor, the town's unreformed corporation, had been preserved and they had all had been lodged at the Hampshire Record Office (HAMRO).

This interest eventually developed into a dissertation for the completion of my MA degree undertaken at The University of Winchester in 2011.¹ Although I did not know it at the time of its research or during its writing, in essence this dissertation became a pilot study for this doctoral project. I had become intrigued about the overall impact of the 1883 statute. I wanted to discover if the disruptive experiences of New Alresford had been replicated in other towns and if not how they had been avoided.

What follows in this preface is an extract from my MA dissertation. It is intended to set the scene; to use NATT as an example of why a town trust was created in the wake of the 1883 statute, to illustrate how it is structured, and as a result, to show how such an organisation still has the potential to cause local governance problems in the twenty-first century.

¹ Brian Rothwell, 'The Impact of the 1883 Municipal Corporations Act on Local Government in New Alresford' (unpublished dissertation, University of Winchester, 2011).

New Alresford, in Hampshire, situated seven miles east of the city of Winchester, is a market town with a population today of 5,102.² The town is now mainly dependent on tourism, with attractions including its Georgian architecture, watercress beds and a steam railway.³ In the 1880s, it was more a village than a town; it had fewer than 1,500 inhabitants most of whom worked in trades related to agriculture.⁴

The unelected Borough Corporation of the Bailiff and Burgesses of New Alresford was abolished on 29 September 1886. It had been on the condemned list ever since a Municipal Corporations Act (MCA) became law in March 1883. The wording of this statute permitted the transfer of the rights and the assets of the abolished corporation to NATT that was founded on 28 March 1890 under a scheme of arrangement granted by the Charity Commission.⁵ The first democratically elected parish council did not take office in the town until five years later, on 1 April 1895.

Under the terms of the scheme that provided NATT with its first constitution, the charity was set up to be managed by nine trustees. Five were deemed to be 'representative', elected for a five-year term at a meeting of the town's rate payers at the St John's Church vestry on 5 June 1890. The remaining four were labelled 'co-optative' trustees and they were to serve for eight-year terms. This label means that this quartet were unelected; merely being appointed to serve the trust by the Charity Commissioners. The first four co-opted town trustees were all former burgesses of the abolished corporation.

The 1890 scheme of arrangement has been revised thrice, in 1894, 1912 and 1989. However, the management structure of the trust has not changed at all. There are still nine trustees today with five of them being 'representative' and four others who are unelected and 'co-opted' as volunteers from within the community. Since 1895, under the terms of the 1894 Local Government Act, the council has always nominated the five representative trustees.⁶

During my time serving as the town trust clerk, there were two opposing views amongst the trustees regarding the existence of their organisation. For some it was a living aspect of the town's history that made New Alresford different and special.⁷ To others, it was an undemocratic body that added complications to local governance.⁸ A review of 120 years of trust and council minutes⁹ and a study of the codes of practice for both organisations¹⁰ evoked agreement with the latter opinion rather than the former.

² Office for National Statistics, topics, 2001 census: key statistics, parish headcounts, New Alresford, 6 February 2011, www.officeforationalstatistics.gov.uk

³ About Alresford, Home Page, 2 June 2012, www.alresford.org.uk

⁴ TNA: PRO RG12/949, 1891 census of New Alresford.

⁵ HAMRO, 7M50/C1, New Alresford Town Trust: Charity Commission Scheme 1890.

⁶ The council can, and sometimes does, nominate individuals as town trustees who are not serving councillors. When this happens, the individuals involved are usually former councillors.

⁷ Statement made by Mark Luckham, councillor and town trustee, at a trust meeting on 9 August 2010.

⁸ Statement made by Roy Gentry, councillor and town trustee, at the same meeting.

⁹ HAMRO, 7M50/B1, B2, B3, B4, New Alresford Town Trust: Trustee Minute Books, 1890-2000.

New Alresford Town Trust, Trustee Minute Book, 2001-2011; held by the trust clerk.

HAMRO, 108M82/PX1, PX2, PX3, New Alresford Parish Council: Minute Books, 1894-2000.

¹⁰ Standards of England, guidance, the code of conduct, 6 April 2011, www.standardsofengland.gov.uk Charity Commission of England & Wales, Codes of Practice, 6 April 2011, www.charity-commission.gov.uk

NATT is judged undemocratic today for three reasons. First, its structure gives four unelected individuals a vote at trust meetings where decisions are made that involve the maintenance of parts of the town and the arrangement of activities that are central to it remaining a market place and a popular tourist attraction. Second, it does not report to any of the three tiers of local government (Hampshire County, Winchester City and New Alresford Town Councils), but to the Charity Commission. And third, it is not accountable to the public. By contrast to council meetings, before which agendas have to be published and after which minutes have to be displayed for public scrutiny, there are no such requirements placed on the trustees. Members of the public also have no right to attend or to participate at trust meetings as they do at council assemblies. They can make a request to attend but there is no guarantee that it will be granted.¹¹ With no access to previous minutes or to future agendas, the likelihood of any such request is minimised.



Illustration 1: The Old Fire Station, Broad Street, New Alresford. This building was originally called the Fire Engine House; it was a 'garage' for the town's first horse-drawn fire engine. It was erected by the Bailiff and Burgesses of the Borough Corporation of New Alresford in 1881, just five years before this ancient corporation was abolished. Today, The Old Fire Station is just one of the public assets owned by New Alresford Town Trust. Photograph by the author, June 2013.

NATT also complicates current local governance in three ways. Its existence means that there are two statutorily appointed organisations, rather than the usual one, engaged in maintaining rights and assets that belong to the people of the town. It places extra burdens on five councillors who are mandatorily obliged to attend an extra set of meetings and to contribute to the management of the charity's activities. And further, it often puts those councillors who are also trustees in positions where they have conflicts of interest.

¹¹ New Alresford Town Trust, Home Page, About Us, 31 January 2011, www.towntrust.org.uk.

The affairs of the trust have always been difficult to manage because of its structure. Trust meetings involve individuals who have volunteered to be trustees of a charity and others who have chosen to be local politicians. Because these are roles that require different skills and attitudes, the trust minute books are littered with examples of the tensions that have ensued.¹² Trustees of charities have a code of practice, the leading statement being, 'Trustees are expected to act altruistically and any decisions have to be made in the best interests of the charity they serve'.¹³ Serving councillors also have codes of practice, the principal sentence being, 'Members should serve only the public interest'.¹⁴ Any past issue that has caused a clash between these two codes has resulted in a conflict situation.

Ever since their positions were first created in 1895, council nominated trustees have usually been more committed to their council responsibilities than to their trust duties. This has led to accusations from their co-opted colleagues that they do not pull their weight as trustees and to consequent antagonism between the two groups. Another source of tension has appeared whenever a conflict of interest has arisen between trust and council (a not infrequent occurrence given the split responsibility for public assets). When this has happened, the councillors who are also town trustees have been placed in the invidious position of having to support one organisation at the expense of the other. As all council voting takes place in public, co-opted trustees can discover which way each councillor has voted on every issue. Consequently, this has led to a lack of harmony at many trust meetings.

The existence of NATT has also complicated conduct at council meetings which are governed by the rules of the Standards Board. These rules, as interpreted by the Winchester City Council solicitor, dictated that whenever a financial issue involving the trust was discussed by council (a not uncommon situation given that councils make grants to local charities), the five councillors who are trustees were required to declare a personal and prejudicial interest in the trust and leave the meeting.¹⁵ Failure to do so resulted in formal complaints being made to the legal department of Winchester City Council, the staff of which was obliged to conduct an official investigation on each occasion. Whenever a councillor/trustee proposed any other item involving the trust in council, s/he had to remember to declare a personal interest in the subject matter.¹⁶ Again, any failure to do this led to formal complaints and investigations.

Such was the antagonism between the trust and the council in the period 2007-11, that co-opted town trustees made 117 formal complaints, under the Standards Board rules, about the conduct of councillors. Although not all of these complaints concerned the trust, these were a serious impediment to the functioning of the council. They involved much councillor time and the ratepayers were disadvantaged as the financial costs of these investigations fell on the council about which the complaints had been made. Part of the precept,

¹² HAMRO, 7M50/B1, B2, B3, B4, New Alresford Town Trust: Trustee Minute Books, 1890-2000 (unpaginated). New Alresford Town Trust, Trustee Minute Book, 2001-2011; this is held by the clerk of the trust.

¹³ Michael King and Ann Phillips, *Charities Act, 2006* (London, 2007), 80.

¹⁴ Standards of England, guidance, the code of conduct, 6 April 2011, www.standardsofengland.gov.uk

¹⁵ *Ibid.*

¹⁶ Standards of England, guidance, the code of conduct, charitable trustees and declarations of interest under the code, 6 April 2011, www.standardsofengland.gov.uk.

therefore, was used for this purpose rather than providing improved services to the town.¹⁷

It is fair to conclude that the 1883 MCA has left an uncomfortable legacy in New Alresford. The lasting impact of the statute is the continued existence of what is judged by many of the town's inhabitants, albeit only amongst those who are politically interested, to be unrepresentative and impaired local governance. The existence of the trust has resulted in the expenditure of much time and effort in order to deal with the tensions that exist between the two groups of trustees and the not inconsiderable financial cost to the rate payer of using funds from the precept for investigating the formal complaints that have been made by town trustees, rather than for any other public purpose.

New Alresford Town Trust became an anomaly, different from the standard or the norm, as soon as it came into existence. In 1890, the responsibility for protecting public rights and assets in towns with a population of more than 3,000 inhabitants normally rested with an elected borough council. Reforming democratic charters had been granted to 294 such towns by the time NATT was founded.¹⁸ That responsibility in towns and villages with fewer than 3,000 people was usually undertaken by a parish vestry or a set of churchwardens and there were probably more than 7,000 of these bodies existing at the start of the last decade of the nineteenth century.¹⁹ By contrast, only thirty-seven town trusts were set up under the auspices of the 1883 MCA. As a consequence of this piece of legislation New Alresford became both anomalous and a member of the small and unusual coterie of towns that form the focus of this thesis.

¹⁷ Current town councillors now view it as fortunate that the 2011 Localism Act has abolished the Standards Board and that such pettiness will no longer be rewarded by being granted the time and attention of civil servants. Under this new statute councillors are merely required to use their best judgement to decide when to leave a council meeting and when to stay, on what issues they wish to speak and on what resolutions they need to abstain, to vote for, or to vote against.

Conversation with Roy Gentry, New Alresford town councillor and trustee, 21 June 2012.

¹⁸ MCA, 1835 [5 & 6, Wm IV, c. 76]; MCA, 1883 [46 & 47, Vict., c. 18]; *London Gazette*, Archive Central, Advanced Search, years 1835-90, 3 February 2011, www.london-gazette.co.uk.

178 boroughs were created by the 1835 Act and 64 more towns had successfully applied for borough incorporation before 1883. The 1883 Act forced 28 boroughs to reform and by the end of 1890, 24 more towns had gained reformed borough status. The total number is, therefore, 294.

¹⁹ G.R. Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 126, 223.

The 1894 Local Government Act gave every village with a population of more than 300 residents the right to lobby its county council for permission to elect its own parish council. 7,000 of them did so and the first elections were held the following December.

INTRODUCTION

In addition to the objectives stated in the preceding preface (that of uncovering the overall impact of the 1883 Municipal Corporations Act (MCA) and discovering if the disruptive experiences of local government in New Alresford had been repeated in other towns) the aim of this thesis is to address three questions. What was the foundation of these town trusts originally intended to achieve? Why have the majority survived even though local enfranchisement expanded shortly after their creation to embrace the totality of local government? And finally, why do current town trustees continue to undertake civic responsibilities that in all other towns are fully under the umbrella of an elected local authority?

The thesis is structured as follows: after the necessary research methodology and historiography chapters (one and two), this text explores the overall impact of the 1883 MCA in chapter three - this after all is the title of the thesis. However, it was also discovered that this statute had ramifications well beyond the late nineteenth century – it was seemingly used by the Charity Commission to determine the structure of town trusts in the twentieth and twenty-first centuries as well. A difficult placement choice for this later information had to be made. It could not be omitted; it did not logically fit into any of the other chapters but could have been left to stand alone. In the final analysis it was decided to include it in chapter three, partly because the link between the immediate impact and long reach of the statute did have relevance and partly because the nineteenth-century and later elements together made for a reasonably sized chapter.

Local reactions to the abolition of the ancient corporations in the 1880s and 90s are described in chapter four. The three questions referred to in the first paragraph of this introduction are respectively explored in the last three chapters. What the trusts were originally intended to achieve in chapter five; why they survived in chapter six and why trustees continue to undertake these responsibilities plus an analysis of the disruptions they have caused to local government in chapter seven. In so doing, it is hoped that this thesis will achieve its aim of contributing a hitherto un-researched strand to the analysis of municipal reform.

0.1 The origins of the town trusts

In 1876 a Royal Commission was appointed to inquire into and report on the status and activities of the remaining 110 ancient but unreformed municipal borough corporations in England and Wales. These bodies had escaped the reforms of the 1835 Municipal

Corporations Act and in the 1870s many of them were suspected of being corrupt, most were inefficient and all were undemocratic unrepresentative of their communities.¹

They had grand sounding names; 'The Mayor and Barons of Corfe' (Corfe Castle, Dorset) and 'The Portreeve and Commualty of Langport Eastover' (Somerset).² Some of these towns had been granted incorporated status by royal charter as early as Norman times and others much later, particularly when the Tudors were on the throne. A first charter was issued to Yarmouth (Isle of Wight) in 1135, whilst Wootton Bassett (Wiltshire) had waited until 1679 for its initial incorporating document. Between these two dates, the first charter for the borough of Camelford (Cornwall) arrived in 1259 as shown below, courtesy of Richard, Earl of Cornwall, the younger brother of King Henry III.



Illustration 2: The commemorative stone of the 750-year anniversary of Camelford's first charter of incorporation in 1259. Photograph by the author, March 2013.

Camelford had been incorporated by charter as both a parliamentary and a municipal borough. Other boroughs were not deemed quite so important - Clun (Shropshire) had an incorporating charter issued by the Earl of Arundel during the reign of Edward II (1307-27) but this document made Clun a borough that was 'municipal but not parliamentary' - its voters did not send MPs to Westminster.³ Other towns like Dursley (Gloucestershire) and

¹ Parliamentary Papers, House of Commons, *Hansard*, 28 May 1875, 4 January 2012.

² Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

³ Margaret Ellen Creswell, *Recollections of The Reverend Henry Creswell and his Family, Vicar of Newcastle-on-Clun, 1855-1906* (Clunton, 1988), 14.

Cilgerran (Pembrokeshire) had no charters at all, neither royal nor baronial. The corporations in these towns were municipal by self-prescription, basing their claim to this status not on a written document but merely on long custom and practice. They were not parliamentary boroughs either.⁴

The 1876 Royal Commissioners' report, presented to Parliament four years later on 5 February 1880, led directly to the 1883 Municipal Corporations Act (MCA). Under this statute, seventy-six corporations were summarily abolished on or before 29 September 1886.⁵ In some of these towns the abolition had no effect. Either the corporation had ceased to function long beforehand or their members owned no land, property or trading rights on behalf of the borough. A majority of these abolished corporations, though, owned trading franchises and property assets.

For example, the corporation in Marazion (Cornwall) owned the Market House with stables, the Town Hall, including the furniture, chattels and historic documents; the King's Arms public house, two lock-ups let to the County Constabulary; and two other plots of land let for grazing. The annual income of the corporation was £38.16.6.⁶

Typically, but not always, a schedule of such corporation assets and rights included a Town Hall and a right to charge piccage and stallage tolls at a town's markets and animal fairs, as happened at Garstang (Lancashire) – see, for example, the founding schedule of assets for this trust on the following page.⁷ The last annual two-day cattle fair took place in the centre of Garstang in November 1932; whereas by contrast Garstang's weekly market on a Thursday is still taking place today (2014).⁸ A similar story emerged from New Alresford (Hampshire): this town's last sheep fair occurred in 1972 but in 2014 the weekly market is still being run by the town trustees.⁹

⁴ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 5 February 2011. www.parlipapers.chadwyck.co.uk

⁵ An analysis of the recommendations of the Royal Commissioners and the fate of the 110 corporations they investigated is shown on p. 95 below.

⁶ Marazion History Group, *The Charter Town of Marazion* (St Ives, 1995), 51.

⁷ Lancashire Archives (LANCA), DDX 386/10, Garstang Town Trust, Scheme of Arrangement, 11 January 1889.

⁸ Denis Tetlow, *Peeps into Garstang's Past* (Garstang, 2001), 59.

⁹ HAMRO, 7M50/B3, New Alresford Town Trust: Trustees Minute Book 1961-74 (unpaginated).

SCHEDULE.

		Annual Value.		
		£	s.	d.
1. The Town Hall, including—				
Petty sessions room let to magistrates for	-	0	1	0
Occasionally let for entertainments (average)	-	0	15	0
Magistrates' clerk's office, let to Messrs. Forshaw and Parker for	-	5	0	0
A warehouse let to Mr. Richardson for	-	6	0	0
A warehouse let to Mr. Carruthers for	-	5	0	0
A cottage let by the week to Mr. Christopher Peat for	-	2	12	0
2. Market tolls, piccage, and stallage (average)	-	13	0	0
3. Fair tolls (average)	-	7	10	0
4. Furniture of Town Hall.				
5. Two constable's halberds.				
6. A silver-topped staff.				
7. The common seal of the Corporation.				
8. An exemplified copy of the Charter of 31 Charles II.				
9. A book of Corporation records and accounts.				

Sealed by Order of the Board this 11th day of
January 1889.

G. H. J. J. J.
AUTHORIZED UNDER 50 & 61 VICT. C. 49 SEC. 3.



LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.
1889.

Illustration 3: The schedule attached to the scheme of arrangement for Garstang Town Trust. It shows both of the typical town trust assets – a Town Hall and the right to levy piccage and stallage tolls at the towns markets.

At Dunwich (on the Suffolk coast) the trust inherited the right to claim any wreckage, groundage or strandings discovered on four miles of the shingle and foreshore.¹⁰ After their foundation in 1888, the town trustees at Fordwich (Kent) owned the riparian rights on eight

¹⁰ Pickard, *op cit.*, 7.
Dunwich Town Trust, Minute Book, 1932-55 (unpaginated).
The last time the right to wreckage activated was in 1952.

and a half miles of the River Stour plus a crane and a wharf¹¹ and at Orford (Suffolk) their assets included an oyster fishery.

In South Wales, at the town of Kenfig (Bridgend), the trustees still own a nature reserve¹² and at Llantrisant (Rhondda Cynon Taff), they continue to manage 'The Commons' and the exercise of pasture-rights for the benefit of the freemen of the town.¹³ In Loughor (Swansea), the trust inherited the rights under an indenture of 15 March 1886 between the old corporation and the Duke of Beaufort whereby the town's castle and lands were to be open to the public forever.¹⁴ At Harton and Bovey Tracey (both Devon), the trustees were made responsible for their town's almshouses.¹⁵ At Holt (Wrexham) the trust took over the management of a school,¹⁶ and at Thornbury (South Gloucestershire) the town's allotments.¹⁷

Many of these bodies also inherited responsibility for the distribution of alms to the poor under the terms of multiple bequests that had been made by a town's more wealthy individuals in previous centuries. The most extreme example was at Bradninch (Devon) where the original town trustees inherited no fewer than nine separate 'alms to the poor' charities.

At many trusts, their assets included the town's municipal regalia; the staff of the bailiff, the mace of the mayor, the chain of the portreeve; together with a mass of papers and documents that charted the town's history. At St Clears (Carmarthenshire) 'the municipal insignia of the defunct corporation consisted of the borough seal and two constables' staves about two feet long bearing the royal cipher "GR IV" and the figure of a boar'.¹⁸ The trusts that were founded in the aftermath of the 1883 MCA were created only because a home had to found for such assets, rights, duties and responsibilities.

¹¹ C. Everleigh Woodruff, *A History of the Town and Port of Fordwich* (Canterbury, 1895), 61.

¹² www.Kenfig.org/Kenfig/TheCompleteHistory/History/TheKenfigCorporationTrust, 10 January 2014.

¹³ Llantrisant Town Trust, www.llantrisant.net/towntrust/history, 10 January 2014.

¹⁴ West Glamorgan Archive Services (WGLAMAS), TT/LW 36, Loughor Town Trust, Original Scheme of Arrangement, 22 August 1890.

¹⁵ Devon Record Office (DEVRO) at Barnstable, B731/3/21, Harton Town Trust, Charity Commission Scheme, 12 August 1889,

¹⁶ Alfred Palmer, *The Town of Holt in County Denbigh* (London, 1910), 163-4.

¹⁷ Gloucestershire Record Office (GLOSRO), D282/C4/4, Thornbury Consolidated Charities, Thornbury Town Trust, Schemes.

¹⁸ *Kelly's Directory of South Wales* (London, 1891), 837.



Illustration 4: A typical town trust asset; the Town Hall, Yarmouth, Isle of Wight. Photograph by the author, January 2012.

0.2 The changing scope of the project

These town trusts that form the focus of this project are not listed in any published schedule. In all cases, they were identified by checking the names of the seventy-six towns featuring abolished corporations in the 1883 MCA against the listing of current and former charities shown on the Charity Commission web-site.¹⁹

A preliminary analysis, at the start of the research project, identified thirty-eight such charities that appeared to meet three criteria: they featured the name of a town on the 'abolished' list, they owned public assets and their stated purpose is, or was, to provide benefits to the inhabitants of the towns concerned.

¹⁹ Charity Commission of England & Wales, 30 July 2012, www.charity-commission.gov.uk

Table 0.1 Town Trusts originally thought (in 2011) to have been formed by the 1883 MCA.

No.	Town	County administration in 1883	Current County/Admin area
1	New Alresford	Southampton	Hampshire
2	Axbridge	Somerset	Somerset
3	Berkeley	Gloucestershire	Gloucestershire
4	Bovey Tracey	Devon	Devon
5	Brading	Southampton (Isle of Wight)	Isle of Wight
6	Bradninch	Devon	Devon
7	Camelford	Cornwall	Cornwall
8	Chipping Campden	Gloucestershire	Gloucestershire
9	Corfe Castle	Dorset	Dorset
10	Dunwich	Suffolk	Suffolk
11	Dursley	Gloucestershire	Gloucestershire
12	East Looe	Cornwall	Cornwall
13	Fordwich	Kent	Kent
14	Garstang	Lancashire	Lancashire
15	Harton	Devon	Devon
16	Holt	Denbighshire	Wrexham
17	Ilchester	Somerset	Somerset
18	Kenfig	Glamorganshire	Bridgend
19	Kilgerran	Pembrokeshire	Pembrokeshire
20	Langport	Somerset	Somerset
21	<i>Laugharne</i>	<i>Carmarthenshire</i>	<i>Carmarthenshire</i>
22	Llantrisant	Glamorganshire	Rhondda Cynon Taff
23	Loughor	Glamorganshire	Swansea
24	Marizion	Cornwall	Cornwall
25	Nefyn	Caernarvonshire	Gwynedd
26	<i>Newport</i>	<i>Salop</i>	<i>Shropshire</i>
27	Orford	Suffolk	Suffolk
28	<i>Overton</i>	<i>Flintshire</i>	<i>Wrexham</i>
29	Pevensey	Sussex	East Sussex
30	New Radnor	Radnorshire	Powys
31	St Clears	Carmarthenshire	Carmarthenshire
32	Thornbury	Gloucestershire	South Gloucestershire
33	<i>Usk</i>	<i>Monmouthshire</i>	<i>Gwent</i>
34	Westbury	Wiltshire	Wiltshire
35	<i>Winchelsea</i>	<i>Sussex</i>	<i>East Sussex</i>
36	Winchcomb(e)	Gloucestershire	Gloucestershire
37	Wootton Bassett	Wiltshire	Wiltshire
38	Yarmouth	Southampton (Isle of Wight)	Isle of Wight

Note: The four towns in *italics* did *not* form town trusts as a result of the 1883 Act (see below).

The total of thirty-eight was reduced by one when it was discovered that the ancient and unreformed corporation of Winchelsea (East Sussex) was still in existence today, albeit deprived of any municipal powers. It had been reprieved from abolition by a separate clause in the 1883 Act on the grounds of being a founding member and Head Port of the medieval Cinque Ports Confederation.²⁰ Legally, the status of this corporation today is that of an 'exempt' charity in that it is not subject to the jurisdiction of the Charity Commission. The confusion was caused by the fact that the corporation does have a charitable subsidiary that is used to raise funds to maintain its properties, most of which are Grade 1 and 2 listed

²⁰ Clause 14, Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

buildings.²¹ It is certain, however, that there is no town trust based in Winchelsea that was created in the wake of the 1883 statute.

A similar story emerged when the town of Laugharne (Carmarthenshire) was investigated. Here the old corporation is again still in existence today, although similarly with no municipal powers. This organisation was reprieved by Clause 20 of the 1883 statute, along with the corporation at Malmesbury (Wiltshire), on the grounds that the corporation's considerable tracts of land were let to many individuals in the town.²² This predominantly landlord body became a fully fledged charity, reporting to the Charity Commission, under the name of The Laugharne Corporation Lands Trust, in 2003.²³ Again, there is no trust based in the town that was founded because of the 1883 statute.

The total was reduced again when the town of Newport (Telford & Wrekin) was researched. Here, the Newport Town and Marsh Trust had been in existence since it was founded by a Local Act of Parliament in 1763.²⁴ However, this trust did not inherit the assets and rights of the town's corporation when it was abolished.²⁵ Instead, they were transferred to a Local Government Board (LGB) that had been established for the town and its surrounding district in 1875.²⁶ As this trust did not result from the 1883 Act and it did not possess any former corporation assets, Newport was eliminated from the project.

A similar tale unfolded when the town of Usk (Gwent) was investigated:

The result was that the corporation, by an order of the [central] Local Government Board, dated 15 April 1886, ceased to exist on 29 September that year and the property of the corporation became vested in a local government board.²⁷

This local board had been established in 1873 and the first elections had taken place on 7 February.²⁸ There was confusion caused by a charity showing on the Charity Commission web-site named Usk Town Hall, and numbered 214169, that had been closed on 27 February 1963. However, as the minutes of the Usk & District Local Government Board survived and can be found in Gwent Archives, there can now be no doubt that all of

²¹ Malcolm Pratt, *Winchelsea, A Port of Stranded Pride* (Bexhill on Sea, 1998), 77

²² Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

²³ Charity Commission of England & Wales, 30 July 2012, www.charity-commission.gov.uk

²⁴ An Act for dividing and enclosing a waste ground called The Marsh in the township of Newport, in the county of Salop and for applying the produce thereof to the several purposes therein mentioned 1763.

²⁵ Shropshire Archives (SHROPA), NTM 1/6, Newport Town & Marsh Trustees, Minute Book, 1883-90 (unpaginated).

²⁶ Rob Prentice, *A History of Newport* (Chichester, 1986), 82.

An Act to confirm certain Provisional Orders of the Local Government Boards relating to the Boroughs of Abingdon, Basingstoke, the Districts of Behesda, Bognor, Bowness, and Calne and Marsden, the Borough of Derby, the Districts of Ebbw Vale, Gildersome, Heston and Isleworth, Hitchin, Malvern, *Newport (Salop)*, the Runcorn Union, Sandown and Thornhill, 1875 [38 & 39 Vict., P. clxxvi].

²⁷ Sir Joseph Bradney, *A History of Monmouthshire*, Volume 3, The Hundred of Usk (Part 1), 21.

²⁸ *Ibid.*, 20.

the property of the abolished corporation remained in local government.²⁹ Accordingly, the town of Usk was also removed from the list of those to be researched.

When it was the turn of Overton (Flintshire) to be studied, it was discovered that the town was entitled to a corporation by a royal charter dated 1305.³⁰ However, the 1876-80 Royal Commissioners reported that there were no bailiffs or other corporation officers, no municipality of judicial ground, no corporation property and that the organisation had ceased to exist long ago.³¹ The organisation that initially looked like 'a town trust' was formed to manage a village hall that was erected and opened in 1926. As this had no link to the 1883 MCA, Overton too was removed from the schedule of charities to be researched.

At this stage, with five deletions, it looked as though there would be a total of thirty-three bodies to research. However, subsequent enquiries in county record offices (CROs) and further interrogations of the Charity Commission web-site have revealed four more towns in which such charities, formed as a direct result of the 1883 MCA, have existed or continue to exist: Chipping Sodbury (South Gloucestershire), Clun (Shropshire), Midhurst (West Sussex) and Wotton-under-Edge (Gloucestershire).

The first three on this list were initially missed because they were formed well after the passing of the 1883 statute and initially it did not look as though there was a link to it. This assumption proved to be untrue. Wotton-under-Edge turned out to be purely an oversight. Therefore, after five deletions and four additions, it would appear that there were thirty-seven town trusts established as a consequence of the 1883 MCA.

The trust at Thornbury (South Gloucestershire) was amalgamated with other town charities in 1913 to form Thornbury Consolidated Charities. The trustees decided to retain the name Thornbury Town Trust but it is the consolidated body that is registered with the Charity Commission. The same is true of the trust at Fordwich (Kent); it was amalgamated with other town bodies in 1906 to form Fordwich United Charities and this is the name registered with the Charity Commission, although the trust still exists as a separate entity.

Table 0.2 Abolished corporations that formed town trusts, together with their counties

No.	Corporation	County in 1883	Current County/Admin area
1.	(New) Alresford	Southampton	Hampshire
2.	Axbridge	Somerset	Somerset
3.	Berkeley	Gloucestershire	Gloucestershire
4.	Bovey Tracey	Devon	Devon
5.	Brading	Southampton (IOW)	Isle of Wight
6.	Bradinch	Devon	Devon

²⁹ Gwent Archives (GWENTA), A550/M/1, Minutes of the Local Government Board, 1890-94, Minutes of the District Council of Usk, 1894-98 (unpaginated).

³⁰ George Howson, *Overton, In Days Gone By* (Oswestry, 1883), 25.

³¹ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 5 February 2013. www.parlipapers.chadwyck.co.uk

No.	Corporation	County in 1883	Current County/Admin area
7.	Camelford	Cornwall	Cornwall
8.	Chipping Campden	Gloucestershire	Gloucestershire
9.	<i>Chipping Sodbury</i>	<i>Gloucestershire</i>	<i>South Gloucestershire</i>
10.	<i>Clun</i>	<i>Salop</i>	<i>Shropshire</i>
11.	Corfe Castle	Dorset	Dorset
12.	Dunwich	Suffolk	Suffolk
13.	Dursley	Gloucestershire	Gloucestershire
14.	East Looe	Cornwall	Cornwall
15.	Fordwich	Kent	Kent
16.	Garstang	Lancashire	Lancashire
17.	Harton	Devon	Devon
18.	Holt	Denbighshire	Wrexham
19.	Ilchester	Somerset	Somerset
20.	Kenfig	Glamorganshire	Bridgend
21.	(C) Kilgerran	Pembrokeshire	Pembrokeshire
22.	Langport (Eastover)	Somerset	Somerset
23.	Llantrisant	Glamorganshire	Rhondda Cynon Taff
24.	Loughor	Glamorganshire	Swansea
25.	Marazion	Cornwall	Cornwall
26.	<i>Midhurst</i>	<i>Sussex</i>	<i>West Sussex</i>
27.	Nevin (Nefyn)	Caernarvonshire	Gwynedd
28.	Orford	Suffolk	Suffolk
29.	Pevensey	Sussex	East Sussex
30.	(New) Radnor	Radnorshire	Powys
31.	St Clears	Carmarthenshire	Carmarthenshire
32.	Thornbury	Gloucestershire	South Gloucestershire
33.	Westbury	Wiltshire	Wiltshire
34.	Winchcomb(e)	Gloucestershire	Gloucestershire
35.	(Royal) Wootton Bassett	Wiltshire	Wiltshire
36.	<i>Wotton-under-Edge</i>	<i>Gloucestershire</i>	<i>Gloucestershire</i>
37.	Yarmouth	Southampton (IOW)	Isle of Wight

Note:

The four towns in *italics* were *not* on the original list for research.

Sources for the table above:

- (i) Charity Commission of England & Wales, Search for a Charity, Advanced Search, 2 February 2012, www.charity-commission.gov.uk.
- (ii) The current county/administration areas were taken from the Automobile Association, *Driver's Atlas of Britain, 2012* (Basingstoke, 2011).

The order and the spellings of the names of the towns and counties are those that appeared in the 1883 MCA. Letters in brackets show the changes in town nomenclature that have become customary since. Throughout the rest of this project twenty-first century spellings are used, although the 1883 order is retained in tabular form for ease of comparison. Local Government Acts have changed the names of counties and/or top-tier governance administration areas twice since 1883, in 1974 and again in 1996. Henceforward in this thesis, where counties/administration areas are used in the text or in tables, these are also shown with their twenty-first century names.

The numbers from the left hand side of the table above feature on the map overleaf that shows the locations of the thirty-seven town trusts that were founded in the aftermath

of the 1883 MCA. As can be seen, there are eight trust towns scattered throughout Wales together with twenty-nine more that are situated mainly in the south and west of England.

The skew of the distribution of English boroughs before the 1832 Reform Act was south of an imaginary line running from The Wash to the outflow of the Bristol Channel. Municipal reforms corrected this skew for a majority of towns from 1835 onwards. However, the remnants of the unreformed ancient corporations remained in the south and west and this accounts for the distribution of the towns that formed town trusts.



Illustration 5: Map of England and Wales showing the locations of the town trusts established by the 1883 MCA.

The most northerly town trust is at Garstang (16), just to the north of Preston in Lancashire. The most southerly, and the most westerly, is Marazion (25) opposite St Michael's Mount in Cornwall. The most easterly is Dunwich (12) on an eroding coastline in Suffolk. The old county of Gloucestershire had a cluster of seven trusts within its boundaries. One of this group, Berkeley (3), has since been closed and two more, Chipping Sodbury (9) and Thornbury (32), have been moved into the new county of South Gloucestershire. There are two trusts on the Isle of Wight, Brading (5) in the east and Yarmouth (37) to the west.

In Wales, there are three trust towns within the old county of Glamorganshire, Kenfig (20), Llantrisant (23) and Loughor (24). Two more are based in North Wales, Holt (18) and Nefyn (27) and a further one in Mid Wales, New Radnor (30). The remaining two Welsh town trusts are in the west, Cilgerran (21) and St Clears (31), in Pembrokeshire and Carmarthenshire respectively.

The name of Marazion (Cornwall) means literally 'little market'.³² This could serve as a representative term for all of the trust towns – some were on the coast and some inland but they were all 'Marazions' - small market towns. All of them had populations of fewer than 3,000 people when they were investigated by the 1876 Royal Commissioners.

As such, they were deemed to be too small to warrant reformed borough status in the 1880s.³³ Although corruption, mismanagement and a lack of democratic representation were the generic reasons for their inclusion in the schedule for investigation, population size was the rationale for their statutory abolition. The 1871 and 2001 population figures for the trust towns are shown below.

Table 0.3 Towns that formed trusts, 1871 and 2001 population figures³⁴

No.	Town	Population 1871 ³⁵	Population 2001 ³⁶
1	New Alresford	1,623	5,102
2	Axbridge	900	2,024
3	Berkeley	1,011	1,865
4	Bovey Tracey	200*	4,514
5	Brading	785	1,794
6	Bradninch	2,000*	1,637

³² Julyan Holmes, *1,000 Cornish Place Names Explained* (St. Agnes, 1998), 17.

³³ 1882 MCA.

³⁴ Sources for the table:

- (i) House of Commons, Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 11 October 2011, www.parlipapers.chadwyck.co.uk.
- (ii) All figures in the 2001 column were taken or adapted from the relevant parish/town council web-site in order to show figures comparable (as nearly as possible) with those for 1871.

³⁵ The commissioners used the 1871 census figures as a basis but also made more up to date estimates based on their investigative interviews. An asterisk indicates an estimate that they made.

³⁶ All figures in this column were taken or adapted from the relevant parish/town council web-site in order to show figures comparable (as nearly as possible) with those for 1871.

No.	Town	Population 1871 ³⁵	Population 2001 ³⁶
7	Camelford	1,000	2,256
8	Chipping Campden	2,012	2,206
9	Chipping Sodbury	1,157	5,066
10	Clun	1,000*	642
11	Corfe Castle	1,000*	1,429
12	Dunwich	230	84
13	Dursley	2,500	5,814
14	East Looe	1,349	3,000 ³⁷
15	Fordwich	220*	351
16	Garstang	936	6,293
17	Harton	600	1,676
18	Holt	1,050*	2,828
19	Ilchester	1,000*	2,123
20	Kenfig	550	N/A ³⁸
21	Cilgerran	1,500	1,453
22	Langport	1,000	1,067
23	Llantrisant	2,000	4,205
24	Loughor	870	4,991
25	Marazion	1,250	1,466
26	Midhurst	1,465	4,889
27	Nefyn	2,000	2,619
28	Orford	1,600	600
29	Pevensey	1,188	3,152
30	New Radnor	2,150	410
31	St Clears	1,043	2,820
32	Thornbury	1,630	12,342
33	Westbury	700*	11,135
34	Winchcombe	2,000	4,379
35	Royal Wootton Bassett	2,200	11,043
36	Wotton-under-Edge	2,314	5,574
37	Yarmouth	806	791

As can be seen in the table above, the populations of some of these towns have declined to become mere hamlets during the twentieth and twenty-first centuries - for example Dunwich and New Radnor; others have remained much the same size - Langport and Yarmouth; whilst several have grown considerably – Thornbury and Westbury. None of them, however, is now large enough to be a parliamentary borough in its own right and all of them (with the exception of Dunwich) ³⁹ are now governed by third-tier local government councils, either parish or town.

0.3 The structure of the original town trusts

The structure of all of the thirty-three town trusts (except one) that were created in the immediate wake of the 1883 MCA was not determined by Parliament but by the Charity Commissioners.⁴⁰ The permission to form a trust was entirely in their hands. They took time and due care, sending a representative, usually a barrister acting as an Assistant

³⁷ Looe (both East and West) had a combined population of 5,280 at the 2001 census. As East Looe is known to be slightly larger than West Looe, the population has been adjusted accordingly.

³⁸ The ancient Borough of Kenfig is now part of the Parish of Pyle and Kenfig and it is impossible to compare the population figures for 1871 and 2001.

³⁹ See pp. 35-6 below.

⁴⁰ The exception is Kenfig, see p. 30 below.

Commissioner, to chair an investigative meeting in each of the towns concerned. Recommendations were then made and negotiations entered into regarding the structure of each trust. Usually, several drafts of a scheme of arrangement, a legal document that formed the constitution of a trust, were submitted before agreement was reached.⁴¹

The old corporations were all abolished on or before 29 September 1886 but arrangements for the foundation of the first town trust was not finalised by the Charity Commissioners until two years later, on 10 September 1888.⁴² It was the investigative activities of the Charity Commissioners and their negotiations with former corporation members that accounted for the two to five-year gap between corporation abolition in 1886 and the foundation of thirty-two of the (thirty-seven) town trusts that all occurred between 1888 and 1891.⁴³

The only town trust that was not created by the Charity Commissioners was that in the Welsh town of Kenfig (Bridgend). This body was created much more quickly than the thirty-two others.

The [Central] Local Government Board, using a court based in Windsor, made a scheme, dated 9 September 1886, for the adjustment of the powers, rights, privileges, franchises, duties and liabilities of the Corporation of Kenfig in the County of Glamorgan. There were to be four trustees from the burgess roll, four from the rural sanitary authority and four from the [local] Local Government Board.⁴⁴

Although established via a different process (presumably because the future trustees were advised by their lawyers that this was a most efficient form of action), Kenfig Corporation Trust still became answerable to the Charity Commissioners and can with legitimacy be grouped in to the cadre of trust towns that are the focus of this thesis.

In the interim, between the passing of the 1883 Act, and under the terms of the same statute, the members of the abolished corporations were expected to continue in post, undertaking their duties until the new arrangements had been finalised. Clause 3 (2) of the statute stated:

Provided that until any such scheme takes effect the said property [of the corporation] shall continue to be held, managed, and enjoyed as heretofore and in like manner as if a scheme of the Charity Commissioners, in pursuance of this Act, had provided for such holding, management, and enjoyment, and that for the persons managing the property shall continue in like manner as if they were a body constituted by the scheme for the administration of such property, but the legal estate in the property shall vest with the official trustees.

⁴¹ Somerset History Centre (SOMHC), D/B/la/92, Langport Town Trust, letters relating to negotiations surrounding its foundation.

HAMRO, 7M50/A23, New Alresford Borough: Correspondence of Edward Blackmore, 1859-1889.

⁴² Woodruff, *op cit.*, 69.

⁴³ The four exceptions were Chipping Sodbury established in 1899, Midhurst in 1910, Clun in 1924 and Berkeley in 1958. For details, see pp.104-11 below.

⁴⁴ Glamorgan Archives (GLAMA), BK4, Charters of Kenfig Borough.

In most cases former corporation members were therefore encouraged to stay involved and many of them subsequently featured as founding town trustees. The original structure of the trusts varied from place to place but the overall theme was that the commissioners strove to make the trusts as representative of their communities as possible whilst retaining at least some of the administrative experience of former corporation members. The following table has been constructed from the researched records that have included the original scheme of arrangement that established the charity.

Table 0.4 The structure of the original town trusts

No.	Town	Trustees co-opted	Trustees elected by a vestry	Nominated by Archaeological Society	Other	Total
1	New Alresford	4	5			9
2	Axbridge	4	5	1		10
3	Berkeley	2			12 ⁴⁵	14
4	Bovey Tracey					
5	Brading	2	3			5
6	Bradinch	4	3		1 ⁴⁶	8
7	Camelford	4	5			9
8	Chipping Campden	4	5	1		10
9	Chipping Sodbury	4		1	8 ⁴⁷	13
10	Clun	1			4 ⁴⁸	5
11	Corfe Castle	4	3	1		8
12	Dunwich	3	4	1		8
13	Dursley	5	6	1		12
14	East Looe	4	4			8
15	Fordwich	4		1		5
16	Garstang	4	4	1	2 ⁴⁹	11
17	Harton	2			7 ⁵⁰	9
18	Holt	3	5		1 ⁵¹	9
19	Ilchester	4	5	1		10
20	Kenfig	4			8 ⁵²	12
21	Cilgerran					
22	Langport	4	3		3 ⁵³	10
23	Llantrisant		3	1	9 ⁵⁴	13
24	Loughor	4	6			10
25	Marazion	4	5			9

⁴⁵ Berkeley Town Hall Trust was first registered with the Charity Commission in 1963. These twelve trustees included five parish councillors and seven from the building's user groups.

⁴⁶ This representative trustee was a Guardian of the Poor as this trust inherited nine alms charities.

⁴⁷ The trust at Chipping Sodbury had been registered with the Charity Commission since 1853. A new scheme of arrangement was issued in 1899 that adhered to the pattern laid down by the 1883 Act. These eight trustees included six from the Parish Council, one from Gloucestershire County Council and one from the Royal College of Agriculture at Cirencester.

⁴⁸ Clun Town Trust was founded in 1924. All four representative trustees were nominated by the parish council.

⁴⁹ These two representative trustees were Guardians of the Poor.

⁵⁰ Harton was a non-conformist borough and the first seven representative trustees were elected by an open meeting of the town's ratepayers.

⁵¹ This representative trustee was nominated by the governors of the Holt Free School.

⁵² These eight trustees were all nominated, four from the Rural Sanitary Authority and four from the Local Government Board based in Margam.

⁵³ Of these three representative trustees, one came from the local school board, one from the board of guardians and one from the drainage board.

⁵⁴ These nine were called Freeman's Trustees being elected by persons whose names were on the Freeman's Roll.

No.	Town	Trustees co-opted	Trustees elected by a vestry	Nominated by Archaeological Society	Other	Total
26	Midhurst	2		1	3 ⁵⁵	6
27	Nefyn					
28	Orford	4	5	1		10
29	Pevensey	4	4 ⁵⁶	1		9
30	New Radnor	5	5	1		11
31	St Clears	2			7 ⁵⁷	9
32	Thornbury	4	6			10
33	Westbury	4	4	1		9
34	Winchcombe	2			5 ⁵⁸	7
35	Royal Wootton Bassett	3	3	1		7
36	Wotton-under-Edge	3	5		4 ⁵⁹	12
37	Yarmouth	3	7 ⁶⁰		1 ⁶¹	11

The original structures of the trusts at Bovey Tracey, Cilgerran and Nefyn are not known as there are no records in the public domain and the trustees failed to respond to requests for information from the author.

The total number of trustees for each of the other bodies never exceeded fourteen and never fell below five. Four other patterns are also apparent. First, the co-opted trustees were never in a majority. In all cases, this group were members of an abolished corporation, their officials or their nominees, who were co-opted to serve by the commissioners presumably to ensure that there was a continuity of asset management and responsibility.

The fact that they were not in a majority is a strong indication that the 1883 statute was not seen as a stand alone piece of legislation. The Act was passed by a Liberal government committed to an expansion of both the national and the local franchise ⁶² and this demonstrates that it was the intention to make the trusts more representative of their communities than had been the case with the unelected corporations that they replaced. In all of the original documents examined these trustees are labelled 'co-opative' and they were uniformly appointed for eight-year terms. They could serve for life if they wished to,

⁵⁵ The three representative trustees were all serving parish councillors who were all nominated in 1910.

⁵⁶ Two elected by the vestry of Pevensey and two more from the vestry of Westham.

⁵⁷ St Clears was a non-conformist town. These seven trustees included two nominated by the local school board and five elected at an open meeting of the town's ratepayers.

⁵⁸ Winchcombe was also a non-conformist borough and the first five representative trustees were elected by an open meeting of the town's ratepayers.

⁵⁹ All four of these trustees were supposed to be nominated by a Local Government Board. However, such a board was never established and all nine representative trustees were nominated by the parish council after 1895.

⁶⁰ Of the seven representative trustees; five were elected by the vestry of Yarmouth and the remaining two by the vestry of Freshwater reflecting that the trust owned the harbour between the riverbanks of the two parishes.

⁶¹ Nominated by the directors of the London and South Western Railway Company reflecting the fact that this trust owned the pier where ferries met railway.

⁶² There was a major expansion of the parliamentary franchise in 1884. The expansion of the local government franchise had to wait until 1888 (counties) and 1894 (districts and parishes).

akin to the members of the abolished corporations, but only if their fellow trustees were willing to re-elect them every eight years.

Second, the main body of the trustees were usually elected by a show of hands at a meeting of a Church of England vestry. In most of these towns in the late 1880s and early 90s, this was the easiest available option to make the trusts more democratically representative of their communities. The only exceptions were the towns where non-conformists dominated the old corporations such as Harton (Devon), St Clears (Carmarthenshire) and Winchcombe (Gloucestershire). In these towns representative trustees were elected at a public meeting open to all rate payers. All of the original schemes of arrangement referred to such 'vestry' or 'ratepayer' trustees as 'representative' (again an indication of a desire to make the trusts more democratic than the corporations) and all were elected for five-year (as opposed to the co-opted eight-year) terms.

The third pattern occurred in some cases but not all. The first group of trustees often included a nominee from the relevant county archaeological society. This usually happened when the commissioners found that the abolished corporation was in possession of historic regalia and town records dating back many centuries. This was particularly true where the town had previously been of some importance. For example, the history of Ilchester dates back to Roman times and in previous centuries it had been the county town of Somerset.⁶³ The same was true of New Radnor (Powys); in the sixteenth century it had used to be the shire town of Radnorshire, the smallest of the Welsh counties.⁶⁴

The role of these trustees was to ensure the preservation of the artefacts and records of the old corporations. Interestingly, every archaeological trustee was also given the 'representative' label and the same five-year term. Although this is supposition, it might have been because these trustees were also seen by the Charity Commission to be a counterbalance to the co-opted trustees who had previously dominated the abolished corporations.

The fourth pattern concerned the inclusion of representatives of other interested bodies as trustees. This occurred in the case of a railway company at Yarmouth where the trust owned the pier at which Isle of Wight ferries loaded and unloaded goods for transfer to and from the island rail network. More commonly, some of the old corporations had owned schools and a representative trustee from the school governors was included on the board of the trust, as was the case at Holt (Wrexham).⁶⁵ In Bradninch (Devon) the trustees included a Guardian of the Poor because it inherited no less than nine alms charities from

⁶³ Gerry Masters, *Some Views on Ilchester's Past* (Ilchester, 2010), 1-2.

⁶⁴ R.W.D. Fenn (in association with Sir A. Duff-Gordon), *The Life and Times of Sir George Cornewalle Lewis, Bart* (Almeley, 2005), 1.

⁶⁵ Denbigh Record Office (DENRO), PCD/39/1, Holt Parish Council, Minute Book, 1894-1907 (unpaginated).

the abolished corporation. This group of 'other' trustees were also uniformly labelled 'representative' and usually served five-year terms; again they must have been regarded as a counterweight to the co-opted trustees who had been used to being in sole control as corporation members.

0.4 The first parish councils

When Henry Fowler, the Liberal minister with responsibility for local government, succeeded in getting his bill through Parliament on 1 March 1894, every village of more than 300 residents gained the right to lobby its county council for permission to elect its own parish council – in Wales they were termed community councils. More than 7,000 of them successfully did so and elections were held the following December with the first parish councillors all taking office on 1 April 1895.⁶⁶ A parish council consisted of any number of councillors between five and fifteen; the number being fixed by the county council.⁶⁷

Fowler's Act took away all of the non-ecclesiastical responsibilities from Church of England vestries and churchwardens and transferred them to the secular parish councils that had been created.⁶⁸ This transfer included the election of the representative element of the town trustees. As this, at least potentially, meant a change in trustee personnel, many trusts queried this ruling with the Charity Commission. The following is typical and is taken from the Pevensey Town Trust minutes of 4 July 1895:

A letter was read from ... the Charity Commissioners, dated 19 March last, stating that in their opinion Pevensey Town Trust is a Parochial and Non-Ecclesiastical charity as defined by the Local Government Act of 1894 and that future appointments of representative trustees, under Clause 4 of the Scheme of Arrangement by which the charity is governed, should be made by the Parish Councils of Pevensey and Westham under the provisions on Section 14 (4) of the Act.⁶⁹

Henceforward, the Charity Commission ruling was that, as soon as the five-year terms of the vestry elected 'representative' trustees had ended, any such future trustees in this category had to be nominated by elected parish councillors. Many parish councils nominated trustees solely from amongst the ranks of their serving councillors. Others, however, chose to nominate individuals who were not serving councillors. At Holt in North Wales, after five of the vestry elected town trustees had completed their five-year terms in April 1896, the chairman of the new parish council (of nine members) chose to nominate two serving councillors and three others who were not.⁷⁰

⁶⁶ G.R. Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 126, 223.

⁶⁷ G.F. Emery, *Handbook for Parish Councils* (London, 1895), 2.

⁶⁸ Searle, *op cit.*, 126, 223.

⁶⁹ East Sussex Rord Office (ESUSRO), PEV/1155, Pevensey Town Trust Minute Book, 1890-98 (unpaginated).

⁷⁰ DENRO, PCD/39/1, Holt Parish Council, Minute Book, 1894-1907 (unpaginated).

In all of the trust towns except five, parish councils took over the right to nominate the representative element of the trustees (excluding the archaeological specialists and those from other interested bodies). The first exception was Axbridge (Somerset). Here the election of representative town trustees was never passed to what was originally the parish council and is now Axbridge Town Council. This electoral responsibility still rests with the church vestry today and the rector conducts the elections.⁷¹ As the first minute book of this trust (1889-1920) is missing, presumed irretrievably lost,⁷² and there is, unsurprisingly, no mention of this non-event in the local press of the time, this forces a researcher into speculation of what might most logically fit the facts.

The first representative trustees would have been elected soon after May 1889 and would therefore have come up for re-election five years later in mid-1894. This would have been before the guidance notes and orders for the first parish council elections were issued in November that year. Axbridge Town Trust would, therefore, have had a full complement of representative trustees when the first Parish Council took office on 1 April 1895. The next election for the representative trustees would have taken place five years later in mid-1899. By then, the excitement about the establishment of the first parish council would have been a distant memory and perhaps the necessity of the involvement of the council in the trust was just overlooked.

The second and third exceptions are the towns of St Clears (Carmarthenshire) and Winchcombe (Gloucestershire).⁷³ After the 1894 Local Government Act, the view in these two nonconformist towns was that there were no elective rights to be transferred from a vestry to the parish council. It should be noted that the opposite view was taken in the other nonconformist town in the cadre, that of Harton (Devon).⁷⁴ The rights to nominate the 'representative' trustees of Harton Town Trust were passed to Hartland Parish Council in 1895.⁷⁵ Instead, in both St Clears and Winchcombe, at five year intervals starting in 1894 and 1896 respectively, a meeting of the town's ratepayers has always been called and the same or new representative trustees elected. The only breaks in this trend have occurred during the two World Wars during which all elections were suspended.⁷⁶

The fourth exception is Dunwich (Suffolk). The 1894 Local Government Act granted a parish council to every village with more than 300 inhabitants. The population of Dunwich was only 213 at the 1891 census and the town did not apply to Suffolk County Council for

⁷¹ Interview with Francis Rabbitts, clerk to Axbridge Town Trust and John Page, currently serving Somerset Archaeology Society trustee, 2 December, 2011.

⁷² Email from Francis Rabbitts, clerk to Axbridge Town Trust, 9 September 2012.

⁷³ D.N. Donaldson, *Winchcombe, A History of the Cotswold Borough*, (Charlbury, 2001), 115-27.

⁷⁴ R. Pearse Chope, *The Story of Hartland*, (Hartland, 1902), 55.

⁷⁵ DEVRO (Barnstaple), B731/3/23, Harton Town Trust, Charity Commission Schemes, 1912, 1967-8.

⁷⁶ GLOSRO, D1675/1/1, Borough of Winchcomb Minute Book, 1837-1922 (unpaginated).

permission to elect a council.⁷⁷ There has never been a parish council in the town and, as the number on the electoral roll in 2011 was only eighty-four, it is unlikely that there ever will be in the near future.⁷⁸ Twentieth-century revisions to the scheme of arrangement for Dunwich Town Trust refer to ‘representative’ trustees being elected at a parish meeting and this is still what happens today.⁷⁹

There is no councillor involvement in the management of the town trusts at Axbridge, Dunwich, St Clears or Winchcombe. These four boards consist solely of individuals who have volunteered to act as trustees of a charity. There are, therefore, no potential factions or differing perspectives to split the trustees.

The same is true at Fordwich (Kent) but for a differing reason. When Fordwich Town Trust was formed in 1888, no co-opted trustees were appointed because all of the members of the old corporation lived outside the town’s boundaries. There were only five trustees in this scheme of arrangement, four elected at a vestry meeting and one from the county archaeological society. When Fordwich Parish Council was formed in 1895, the council then nominated four of the five trustees.⁸⁰ There were no potential factions at Fordwich either, as there were/are between the council nominated and volunteer co-opted trustees that form the boards of most of the other town trusts.

Table 0.5 Town Trusts with no split factions

No.	Town Trust	Reason
1.	Axbridge	Right to elect trustees never passed to Parish Council
2.	Dunwich	Too small a population to form a Parish Council
3.	Fordwich	No co-opted trustees at foundation
4.	St Clears	Non-conformist town
5.	Winchcombe	Non-conformist town

In 1895, or shortly afterwards, the management boards of a majority of the town trusts became a mix of elected councillors (or their nominees) and, after the co-opted element of the former corporation members were replaced over time, a minority of volunteers who put themselves forward, or were persuaded, to act as the trustee of a charity responsible for public assets and rights. It is this mix of the two different types of trustee that has caused tensions in some but not all of the towns affected by the 1883 MCA.

⁷⁷ Dr O. Pickard, *The Little Freemen of Dunwich, The Story of a Rotten Borough* (Dunwich, 1997), 206.

⁷⁸ Interview with Angela Abell, chair Dunwich Town Trust, 15 November 2012.

It should be noted that the population of Fordwich was also less than 300 in 1891. This town, however, did apply to Kent County Council for a parish council and was granted one.

⁷⁹ John Carey, clerk, Dunwich Town Trust, in interview, 15 November 2012.

⁸⁰ Canterbury Cathedral Archive (CANTCA), PC7/7/A/1/3, Fordwich Parish Meeting Book, 1889-1906 (unpaginated).

0.5 Conclusions

Noting the five exceptions mentioned above, the thirty-five town trusts that still survive today are anomalies. They represent a 'halfway house' between the unelected nineteenth-century corporations that they replaced and the fully democratic parish councils that emerged shortly afterwards. Their structure is semi-representative, or 'semi-democratic', but with no accountability to the tiers of local government, even though these organisations own public assets and rights. It is these ambiguities that have caused, and in some cases still cause, local governance problems in the some of the towns affected.

Although these thirty-seven town trusts would not have been seen as such when they were founded, through twenty-first century eyes they can certainly be viewed as anachronistic as well as anomalous. They are the direct descendants of the unelected borough corporations that had governed these towns, in some cases since medieval times. These are the last surviving organisations from an age when democracy at parish level did not exist. This fact alone makes them worthy of study.

Much has been written about nineteenth-century local government reform. However, nothing of significance has been written about the 1883 MCA. This statute was preceded by the much more important 1882 Act which consolidated all previous municipal acts and redefined the borough elective process. The 1883 MCA was a minor piece of legislation in the context of municipal reform and, as such, it has not attracted the attention of academic historians.

Neither has anything substantive been published about any of the thirty-seven town trusts that were created in the aftermath of the statute. An exhaustive search revealed only three publications about town trusts, two on the charitable body based in Sheffield⁸¹ and one on the trust in Stratford upon Avon.⁸² Whilst full use has been made of these sources, they have been of only limited value because neither Sheffield Town Trust nor Stratford upon Avon Town Trust was founded in the wake of the 1883 MCA. No PhD has been written, or is being written, on the subject of town trusts founded in the late nineteenth century.⁸³ A trawl of the MAs completed at Leicester University's Centre for Urban History showed that the same or similar topics had not been covered.⁸⁴ There is, therefore, a gap in the analysis of nineteenth-century municipal reform that this thesis intends to fill.

⁸¹ James Daniel Leader, *The records of the Burgery of Sheffield: commonly called the Town Trust* (Sheffield, 1897); Edward Bramley, *The records of the Burgery of Sheffield: commonly called the Town Trust, 1848-1955* (Sheffield, 1957). This town trust was ratified by a local act in 1827.

⁸² Richard Eggington, *Stratford's Reluctant Charities, the story of the Guild and College Estates* (Stratford upon Avon, 2013).

⁸³ PhDs in the UK, 24 February 2011, www.library.leeds.ac.uk/otherinstitutions History Theses in Progress, 24 February 2011, www.history.ac.uk/ihr/Theses

⁸⁴ Centre for Urban History, University of Leicester, 24 February 2011, www2.le.ac.uk/departments/urbanhistory/resources

CHAPTER ONE

RESEARCH METHODOLOGY

1.1 Introduction

In addition to the obvious necessity of researching the national level background to this project, the findings of which are contained in the next chapter on historiography, the original research methodology plan, determined at the start of the project in 2011, was fourfold.

1. The first envisaged process was to identify the towns that had formed trusts in the wake of the 1883 Municipal Corporations Act (MCA).
2. The second was to gain access to both the primary and secondary historical records of these organisations through county record offices (CROs) or other archives.
3. The third stage was to research local newspaper records that might contain references to each of these charities. Local press records are usually held on microfiche at county record offices and in the late nineteenth century local newspapers devoted a lot of space to local politics; meetings were extensively reported and speeches were often printed verbatim.¹
4. The fourth and final proposed process involved contacting a sample of officials from each of the bodies identified to ascertain their views on the history and current status of their organisation.

Only after all of these four stages had been completed was it envisaged that an analysis would be attempted. This research methodology plan remained broadly intact, being subject to only minor adaptations throughout the three and a half years of study.

1.2 Research methodology at local level

This thesis is overwhelmingly reliant on an interpretation of primary sources at a local level. The study of local history has taken on a new face since the 1950s as historical taste

¹ Kate Tiller, *English Local History, an Introduction* (Stroud, 1992), 231.

and outlook have been changing.² It is not chiefly concerned with the church, the landed or the rich as it used to be, but about communities in their entirety.³ Nowadays, instead of being about politicians, rectors and generals, local history is increasingly about culture and identity, and the roles and experiences of ‘ordinary’ people.⁴ The subject has become increasingly more academic and sophisticated over the last sixty years. The provision of CROs during that time has greatly assisted this progress and many sets of local records have been deposited for use and study.

Table 1.1 County Record Offices and other Archives visited as part of the project

No	County Record Office/Archive/ Centre/ Museum	ABBREVIATION
1	Beane Library and History Centre (Canterbury)	CANTBL
2	British Library (London)	BL
3	Cadbury Research Library (University of Birmingham)	CRL
4	Caernarfon Record Office	CAERNRO
5	Canterbury Cathedral Archive	CANTCA
6	Carmarthenshire Archive Service	CARMRO
7	Clun Town Trust Museum	CLUNM
8	Corfe Castle Town Hall	CCTH
9	Cornish Studies Library (Redruth)	CORNSL
10	Cornwall Record Office (Truro)	CORNRO
11	Denbighshire Record Office	DENBRO
12	Devon Record Office (Barnstaple)	DEVRO (Barnstaple)
13	Devon Record Office (Exeter)	DEVRO (Exeter)
14	Dorset History Centre	DORHC
15	East Sussex Record Office	ESUSRO
16	Essex Record Office	ESSRO
17	Flintshire Record Office	FLINTRO
18	Glamorgan Archives	GLAMA
19	Gloucestershire Record Office	GLOSRO
20	Gwent Archives	GWENTA
21	Hampshire Record Office	HAMRO
22	Ilchester Museum	ILM
23	Isle of Wight Record Office	IOWRO
24	Kent Library and History Centre (Maidstone)	KENTHC
25	Lancashire Archives	LANCA
26	Marazion Town Hall	MTH
27	Merionethshire Record Office	MERIRO
28	Pembrokeshire Archives	PEMA
29	Powys Archives	POWA
30	Shropshire Archives	SHROPA
31	Somerset Heritage Centre	SOMHC
32	Suffolk Record Office (Ipswich)	SUFFRO (Ipswich)
33	The National Archives	TNA
34	West Glamorgan Archive Service	WGLAMAS
35	West Sussex Record Office	WSUSRO
36	Wiltshire and Swindon History Centre	WILTSHC
37	Yarmouth Town Hall	YTH

A total of thirty-seven CROs, archives, museums, libraries, heritage centres and town halls have been visited as part of the field work for this project. They are shown in the table above together with their abbreviations that are used in the footnotes throughout this

² T.O. Lloyd, *Empire to Welfare State, 1906-1985* (Oxford, 1986), vii.

³ Tiller, *op cit.*, 20.

⁴ Kevin Jeffries, *Politics and the People, A History of British Democracy since 1918* (London, 2007), xi.

thesis. However, by no means all of those listed revealed primary source material in the form of town trust records.

Many town trust archives have not been deposited in county record offices. Some are not in the care of professional archivists and often the quality of preservation can leave a lot to be desired. In the case of Camelford and East Looe Town Trusts (both Cornwall), the historical documents had never been sorted or organised – it could be said that they are in their original ‘raw’ state, unchanged from the days when a clerk had placed them, as they were no longer needed for current business, in a ‘storage area’ several decades ago.⁵

Whilst town trust documents can be found at a CRO, in other cases the records are held in a town hall or a museum, in yet others they are merely in the possession of a current clerk or chair person and kept in a private residence. In some instances, such as Dunwich Town Trust in 2012, the records were ‘stored’ in several such places.



Illustration 6: Ilchester Museum, Somerset, next to the Town Hall. This is home to the archives and regalia of Ilchester Town Trust. Photograph by the author, June 2012.

⁵ Telephone conversation with Jill Jeffs, Clerk, Camelford Town Trust, 21 April 2014.
Letter from Judy Martin, Clerk, East Looe Town Trust, 11 March 2014.
This researcher was denied access to both of these sets of records.

The table below indicates where the various town trust records were accessed.

Table 1.2 Town trusts and county record office/other archive

No	Name of Town Trust	County Record Office/Other Archive	Comment
1	New Alresford Town Trust	Hampshire Record Office	Best archive in cadre
2	Axbridge Town Trust	Somerset Heritage Centre	Some with a trustee
3	Berkeley Town Hall Trust	Unknown	Everything missing
4	Bovey Tracey Town Trust	Unknown	No reply to request
5	Brading Town Trust	Unknown	No reply to request
6	Bradinch Town Trust	Devon Record Office (Exeter)	Some with clerk
7	Camelford Town Trust	Records with Clerk	'Raw', access denied
8	Chipping Campden Town Trust	Gloucestershire Record Office	
9	Chipping Sodbury Town Trust	Gloucestershire Record Office	Some with trust chair
10	Clun Town Trust	Shropshire Archives	Some with trust chair
11	Corfe Castle Town Trust	Archive held in the Town Hall	
12	Dunwich Town Trust	Some in town museum, some in RO	Some with trust chair
13	Dursley Town Trust	Gloucestershire Record Office	Only up to 1996.
14	East Looe Town Trust	Guild Hall, East Looe	'Raw', access denied
15	Fordwich Town Trust	Canterbury Cathedral Archive	
16	Garstang Town Trust	Lancashire Archives	Many with trust clerk
17	Harton Town Trust	Devon Record Office (Barnstaple)	
18	Holt Town Trust	Denbighshire Record Office	Some with trust clerk
19	Ilchester Town Trust	Archive held in town museum	
20	Kenfig Corporation Trust	Glamorgan Archives	Not many
21	Cilgerran Town Trust	Unknown	No reply to request
22	Langport Town Trust	Somerset Heritage Centre	
23	Llantrisant Town Trust	Unknown	No reply to request
24	Loughor Town Trust	West Glamorgan Archive Service	
25	Marazion Town Trust	Archive held in Town Hall	Best archive in cadre
26	Midhurst Town Trust	Archive held by the trust clerk	Book published
27	Nefyn Town Trust	Unknown	No reply to request
28	Orford Town Trust	Suffolk Record Office (Ipswich)	
29	Pevensey Town Trust	East Sussex Record Office	Many with trust clerk
30	New Radnor Town Trust	Unknown	Everything missing
31	St Clears Town Trust	Unknown	No reply to request
32	Thornbury Town Trust	Gloucestershire Record Office	
33	Westbury Town Trust	Solicitor's strong room	Majority missing
34	Winchcombe Town Trust	Gloucestershire Record Office	
35	Wootton Bassett Town & Hall Trust	Wiltshire and Swindon Archive	
36	Wotton-under-Edge Town Trust	Gloucestershire Record Office	
37	Yarmouth Town Trust	Archive held in the Town Hall	

'Fullish' records were found in CROs for nineteen town trusts. The records of three (Corfe Castle, Marazion and Yarmouth) were accessed at their respective town halls and those of Ilchester in the town museum. The 'fullish' records for Fordwich are held in the Canterbury Cathedral Archive. Access was denied to the unsorted records of Camelford and East Looe and no records at all were uncovered for Berkeley or New Radnor with very few being found for Westbury.

These groupings total twenty-eight; presumably leaving nine sets of trust records in the hands of the current chair or clerk. This has been confirmed only in the cases of Midhurst and Dunwich. The whereabouts of the records for six trusts were not ascertained – Bovey Tracey, Brading, Cilgerran, Llantrissant, Nefyn and St Clears. These six organisations

were amongst the seven in the cadre (18.9 per cent) who did not respond to the author's letters, emails or phone calls.

The records for New Alresford Town Trust (NATT) in the Hampshire Record Office (HAMRO) are amongst the two best in this cadre. This is because not only have all of the minute books and schemes of arrangement survived, but also the full correspondence files of all of the clerks who have served this trust throughout its existence, plus all of the accounts ledgers, 1890-2010, together with a full set of annual returns to the Charity Commission. There are 242 files that relate to the former borough corporation and its successor town trust. By contrast, at the other eighteen CROs that do have trust records, the number of files rarely exceeds six. The other complete set of trust records (more than 2,000 documents) are held in Marazion Town Hall which now houses the town's museum. This archive, however, did not have to be accessed because the Marazion History Group had published a comprehensive history of their borough and town trust in the 1990s.⁶



Illustration 7: Marazion Town Hall, Cornwall. This houses the museum and all of the town's borough and trust records. Photograph by the author, March 2013.

⁶ Marazion History Group, *The Charter Town of Marazion* (St Ives, 1995).

It is known that the records for some trusts (and their predecessor corporations) have been lost, destroyed or rendered unavailable for a wide variety of different reasons. 'In 1886, when the Corporation of Pevensey was dissolved, the last Bailiff burned as rubbish most of the Corporation records.'⁷ As noted by an archivist at the Gloucestershire Record Office at the time of the deposit of the records of Chipping Sodbury Town Trust in the 1960s, 'Many more records than those shown below are said to have been lost or embezzled by a former clerk earlier this century'.⁸

Only three records of Westbury Town Trust have been deposited at the Wiltshire and Swindon Archive.⁹ An archivist commented:

Amongst the archives of Pinniger Finch, a local solicitor, we have a draft minute of a meeting of the Town Trust in 1935. This could explain the dearth of trust records as this firm's offices suffered a fire earlier in that year and many local records were destroyed.¹⁰

There is also a note in a document in the West Glamorgan Archive Service. 'One minute book for the Portreeve and Aldermen of the Borough of Loughor is missing, possibly lost in a basement flood in the old Llchwyr (Loughor) Urban District Council Offices sometime in the twentieth century'.¹¹ All of the local government records relating to the town of St Clears (Carmarthenshire) were unavailable to the public in 2014 because of an outbreak of mould amongst the papers in one of the strong rooms of the Carmarthenshire Archive Service.

Town trust archives are, therefore, good examples of history being at the mercy of what has survived.¹² It is rare for them to contain the personal papers of a chairman or the correspondence files of a clerk. Usually the best that one can hope for is that trust minute books, the original founding scheme of arrangement and documents that provide evidence of changes to trust constitutions, are accessible. Whilst containing valuable material, the trust minute books researched record only the decisions reached, not why they were reached or who was for or against a particular course of action. The quality of the minutes can leave a lot to be desired. As opposed to council minutes, which have to be capable of withstanding public scrutiny, trust minutes are written only for the benefit of the members of the board of the charity concerned.

⁷ Court House Museum, *A Short History of Pevensey* (Pevensey, 1994), 36.

⁸ GLOSRO, D 2071, Chipping Sodbury Town Trust, Archivist summary.

⁹ WILTRO, G17/191/1, Westbury Town Trust, Schemes of Arrangement, 21 December 1888, 8 September 1905, Commissioner's Report, 1886.

¹⁰ WILTRO, 1219/20, Pinniger Finch.

Email from Steven Hobbs, archivist Wiltshire Record Office, 13 September 2012.

¹¹ WGLAMAS, TT/LW 52, The Loughor Bowl.

¹² John West, *Village Records* (London, 1962), 74.

There is, therefore, no equivalent to *Hansard* for studying the history of the thirty-seven town trusts established in the wake of the 1883 MCA.¹³ Care has been taken to be aware of the potential for bias and self-justification in past town trust minute-taking. The material examined has been reviewed for internal consistency and a confirmation of any conclusions has been sought from other primary and secondary sources wherever possible (for example local newspaper records and town histories).¹⁴

1.3 Contacting the current town trustees

A major part of the originally planned field work project was to interview at least one trustee or official from each of the thirty-seven trusts established in the aftermath of the 1883 statute. This was not, however, possible for five different reasons.

1. Two of the trusts had become moribund before being closed down.
2. Five more have been subsumed into their respective local councils.
3. Another five contained no warring factions from the start.
4. Four more preferred the impersonal contact of either email or telephone.
5. Seven organisations failed to respond to any of the author's requests for information – letters, emails or phone calls.

First, let us consider the group that have been closed down. The councillors of Westbury Town Council took the decision to close Westbury Town Trust (Wiltshire) in 2005. The reason they gave was that its 'funds were exhausted', a phrase recorded on the Charity Commission web-site; the income of the trust in its last year of operation was only £108.¹⁵ However, a Wiltshire archivist, who lives in Westbury, believes that the trust was subsumed into Westbury Urban District Council at some date well before the local government reorganisation of 1974.¹⁶ This is supported by the fact that in the records of the Charity Commissioners, which were transferred to the Public Record Office (now The National Archives) in the 1980s, there is a series of annual returns of this trust ending in 1953.¹⁷ Given the date of the council's presumed take over of the trust (1953-54), it is extremely unlikely that former trustees still survive from the time when it was an independent body.

A similar story emerged from investigations into Berkeley Town Hall Trust (Gloucestershire) which was officially closed in 2003. For two decades beforehand this charity had been moribund and it had informally, if not officially, handed over the responsibility for its one asset to the council. The current Town Clerk has no knowledge of

¹³ G.W. Jones, *Borough Politics, a study of the Wolverhampton Town Council, 1888-1964* (London, 1969), 2.

¹⁴ Paul Thompson, *The Voice of the Past* (Third Edition, Oxford, 2000), 119.

¹⁵ Charity Commission of England & Wales, Search for a Charity, Advanced Search, 2 February 2012, www.charity-commission.gov.uk

¹⁶ Email from Steven Hobbs, archivist WILTRO, 13 September 2012.

¹⁷ The National Archive (TNA), (L2/279), Westbury Town Trust, Annual returns, Charity Commission, 1901-53.

the existence of the trust records and they have not been lodged with the Gloucestershire Record Office. The only relevant records that have been deposited there are those relating to the council's dealings with the trust.¹⁸ There is no-one sitting on the present town council that knows anything about the subject and the last former councillor who was involved as a town trustee died in 2010.¹⁹

Research into the two town trusts that have closed has, therefore, had to be confined to what could be gleaned from what has been deposited at a record office, from press records and from their respective council files which noted some, by no means all, interactions with their local town trust. In the case of Berkeley, no trust records at all were found and there was very little uncovered about Westbury through these sources.

Second, let us consider the group of surviving trusts that have been fully subsumed back into local government. They still legally exist as charities and continue to report to the Charity Commission but their trustees are all serving councillors, either as individuals or as a group.²⁰ Five were identified - Chipping Campden Town Trust (Gloucestershire) was subsumed in 1959, Langport (Somerset) in 1966, Orford (Suffolk) in 1971, Wotton-under-Edge (Gloucestershire) in 1976 and Wootton Bassett (Wiltshire) in 1993.

Four on this list ran into financial difficulties. The trust minutes from Chipping Campden taken on 12 March 1959 can serve as the typical example of the reason that four of them were subsumed by their councils. They record:

At a meeting of Chipping Campden Town Trust last night it was decided that the trustees found themselves unable to continue the administration of their trust for the Town Hall, the Market Square and the War Memorial because of a lack of public support and interest. They can see no prospect of carrying on with the Town Hall in particular without incurring an annual loss, as the overhead charges outweigh the rental takings, owing to the fact that bookings for the Hall have fallen off so much in recent years.²¹

By contrast, at Orford (Suffolk), the reason for the council take over was not finance but a lack of suitable trustees. Orford Town Trust was one of two similar charities in what could only be called a village in the early 1970s; the population was only 600. The other charity was named the Orford Town Estate. In 1971, it was decided to merge these two organisations and to ask Orford and Gedgrave Parish Council to manage their joint assets. The reason was that there were not enough willing residents prepared to fill the boards and councillor positions of all of the separate bodies, so it made sense to put three into one.²²

¹⁸ GLOSRO, P42a PC 10/46; P42a PC 10/47, Berkeley Town Hall Trust.

¹⁹ Email correspondence and telephone calls from Debbie Spiers, Berkeley Town Clerk, 19 June 2012.

²⁰ Charity Commission of England & Wales, Search for a Charity, Trustees, 28 March 2012, www.charity-commission.gov.uk

²¹ GLOSRO, D5347/1/3, Chipping Campden Town Trust, Minute Book, 1920-1985 (unpaginated).

²² SUFFRO, EE5/10/188, Orford Town Trust Minute Book, 1955-72 (unpaginated).

At Chipping Campden the councillors used to hold separate trust meetings immediately after their council assemblies and the parish clerk used to make separate entries into the trust minute book. This practice, however, ceased to take place in 1985.²³ At Wotton-under-Edge separate trust minutes stopped being taken in 1980.²⁴ A perusal of the Langport Town Council minutes for their 2012 meetings indicated that what was former trust business is today conducted as part of normal council agendas with only council minutes taken.²⁵ The same was found to be true of the Orford and Gedgrave Parish Council and what is now Royal Wootton Bassett Town Council.

In reality these five town trusts no longer exist as separate organisations, having been fully assimilated into their local councils.²⁶ The only nod to trust history that has to be made is that these councils have to ensure that they send in an adequate annual return to the Charity Commission. As that is solely the job of the Parish or Town Clerk, there was little to be gained from interviewing currently serving councillors in these towns as they would not recognise the trust as a separate entity.²⁷

Third, there are the five trusts that have had no warring factions from the start. These were identified in the introduction – Axbridge, Dunwich, Fordwich, St Clears and Winchcombe. It has been checked with both trust and council clerks that these trusts do not make waves and exist in harmony with their respective councils. As the purpose of the thesis is to examine the disruptive impact of the 1883 MCA on local government both in the past and present, it was concluded that face-to-face interviews with trustees in these towns were unnecessary.

Fourth, two trusts – East Looe and Harton completed questionnaires but did not grant permission for trustee interviews. Five others also preferred the impersonal approach and chose contact by email or telephone only – Holt, Kenfig, New Radnor, Pevensey and Thornbury.

Fifth, seven of the trusts in the cadre failed to respond in any way to multiple requests for information from the author – letters, emails and telephone calls. At least three attempts were made to contact each of Bovey Tracey, Brading, Clun, Cilgerran, Llantrisant, Loughor and Nefyn but to no effect.

²³ GLOSRO, D5347/1/3, Chipping Campden Town Trust, Minute Book, 1920-1985 (unpaginated).

²⁴ GLOSRO, D553/B63, Wotton-under-Edge Town Trust, Minute Book, 1890-1980 (unpaginated).

²⁵ Langport Town Council, Minutes, 28 August 2012, www.langport.gov.uk

²⁶ SOMHC, C/E/401/118, Langport Parish Council, Langport Town Trust file.

²⁷ Email from Glenys Sykes, Town Clerk, Wotton-under-Edge Town Council, 4 September 2012.

1.4 Trustee interviews

Trustee interviews were, therefore, confined to eleven of the town trust cadre (29.7 per cent of the total). These are shown in the table overleaf:

Table 1.3 Town trusts and representatives interviewed

No	Name of Town Trust	Representative (s) interviewed	Comment
1	New Alresford Town Trust	Yes	
2	Axbridge Town Trust	Yes	
3	Berkeley Town Hall Trust	No	Trust closed
4	Bovey Tracey Town Trust	No	No reply
5	Brading Town Trust	No	No reply
6	Bradninch Town Trust	Yes	
7	Camelford Town Trust	No	Phone contact only
8	Chipping Campden Town Trust	No	Council subsumed
9	Chipping Sodbury Town Trust	Yes	
10	Clun Town Trust	No	No reply
11	Corfe Castle Town Trust	Yes	
12	Dunwich Town Trust	Yes	
13	Dursley Town Trust	Yes	
14	East Looe Town Trust	No	Questionnaire completed
15	Fordwich Town Trust	No	No need, no factions
16	Garstang Town Trust	Yes	
17	Harton Town Trust	No	Questionnaire completed
18	Holt Town Trust	No	Phone contact only
19	Ilchester Town Trust	Yes	
20	Kenfig Corporation Trust	No	Email contact only
21	Cilgerran Town Trust	No	No reply
22	Langport Town Trust	No	Council subsumed
23	Llantrisant Town Trust	No	No reply
24	Loughor Town Trust	No	No reply
25	Marazion Town Trust	No	Phone contact only
26	Midhurst Town Trust	Yes	
27	Nefyn Town Trust	No	No reply
28	Orford Town Trust	No	Council subsumed
29	Pevensey Town Trust	No	Email contact only
30	New Radnor Town Trust	No	Phone contact only
31	St Clears Town Trust	No	No need, no factions
32	Thornbury Town Trust	No	Email contact only
33	Westbury Town Trust	No	Trust closed
34	Winchcombe Town Trust	No	No need, no factions
35	Wootton Bassett Town & Hall Trust	No	Council subsumed
36	Wotton-under-Edge Town Trust	No	Council subsumed
37	Yarmouth Town Trust	Yes	

Trustee interviews only took place after the research of the relevant primary sources had been completed. This sequence of methodology allowed the fallibility of an individual's memory regarding the history of a trust to be verified during an interview. The interview project was carefully planned using a questionnaire because some consistency of trustee response was deemed necessary. The questionnaire that was used is shown in Appendix 7. It was developed after archive research into half a dozen trusts had been completed. When it became evident in early interviews that extra questions were needed, these were added to the original list and the additions were referred back to those trustees who had already

been interviewed for answers. The aim was to use an approach that was as objective as possible and to produce interview material that could be used for comparative purposes.

However, the questionnaire was designed to be used as a guide rather than a rigid structure. This approach ensured that promising lines of enquiry that were not included in the questionnaire could be picked up and developed as they occurred in conversation. Simple open questions were used to encourage the flexibility of interviewee dialogue, as opposed to the rigidity that can result from 'yes/no' answers to closed or 'tick-box' questions.²⁸

All interviews have been undertaken on a one-to-one or a one-to-two basis (on one occasion in Bradninch, it was one-to-three) and took place either in a trustee's own residence, in a Town Hall or another trust owned property. An attempt was made to tape record the first trustee interview. However, the necessity of later transcribing a very long conversation was found to be both tiresome and time consuming. In all subsequent interviews, each of which, on average, took approximately two hours, the reliance was on note-taking during the process. Each interviewee was sent a set of type-written document afterwards and asked to correct any inaccuracies or misunderstandings. Helpful replies were received from all interviewees.

The author was critically aware of the possibility of bias in the replies received to questions – trustees were likely to be supportive of the the voluntary organisation to which they devoted time and effort. There were also occasions when their answers seemed 'thin' or evasive. Where these possibilities were detected, checks were made for verification of view with local media and other contacts.²⁹ All interviewees were sent electronically, or were personally handed, the project information sheet that had been agreed by the University of Winchester RKE Ethics Committee in December 2011.³⁰ All interviewees also signed a consent form.³¹

1.5 Secondary sources

Many of the editions of the *Victoria County History* (VCH) series have proved useful to this project. Each compendium contains a section on towns and usually includes references to the changes made to local governance during the nineteenth century. Although some of the volumes are relatively old in academic history terms, they have provided leads to additional primary sources or suggested themes to be explored for this project. However,

²⁸ Thompson, *op cit.*, 91, 225-45.

²⁹ *Ibid.*, For example, see p. 188 below.

³⁰ This is shown in Appendix 8.

³¹ This is shown in Appendix 9.

this is not universally true for all of the towns involved in the project. For example, a *VCH* has not been written for Cornwall or any of the Welsh counties.

In addition to the above, it has been discovered that in every CRO there are usually several volumes of privately published and unpublished local histories. Typically, these can be pamphlets, leaflets or small books and usually they lack ISBN numbers. These contained material that was useful both in its own right and they led to other primary sources.³²

The history of the thirty-seven former boroughs that form the focus of this thesis cannot be analysed without reference to what was happening to other boroughs in England and Wales during the nineteenth century. Research has also been undertaken into the governance of fifteen other towns, mainly through secondary sources.

In addition to those mentioned in the previous chapter, namely Laugharne, Malmesbury, Newport, Overton, Usk and Winchelsea, this has included, *inter alia*, Old Sarum (Wiltshire) and Grampound (Cornwall) as examples of the most corrupt parliamentary boroughs; Seaford (East Sussex) and Great Dunmow (Essex) because these towns did *not* form trusts when they had the opportunity to do so; Caerwys (Flintshire) and West Looe (Cornwall), that formed town trusts in the decade prior to the 1883 statute; the City of Sheffield due to the fact that it still has a town trust that dates back to the thirteenth century; Stratford upon Avon (Warwickshire) because its town trust was formed as late as 2001 and Cowbridge (Vale of Glamorgan) as the only town that featured an abolished corporation but then quickly regained its borough status. In addition to the thirty-seven trust towns, the fifteen towns listed below means that research was undertaken into fifty-two nineteenth-century boroughs.

Table 1.4 Other towns researched

No	Name of Town	County	Reason
1	Caerwys	Flintshire	Formed trust prior to 1883
2	Cowbridge	Vale of Glamorgan	Regained borough status
3	Grampound	Cornwall	Disenfranchised for corruption 1826
4	Great Dunmow	Essex	Did not form trust when it could have done
5	Laugharne	Carmarthenshire	Corporation allowed to remain in being
6	Malmesbury	Wiltshire	Corporation allowed to remain in being
7	Newport	Telford & Wrekin	Originally thought a trust town
8	Old Sarum	Wiltshire	Corrupt, 'rotten' borough, disenfranchised 1832
9	Overton	Flintshire	Originally thought a trust town
10	Seaford	East Sussex	Did not form trust when it could have done
11	Sheffield	South Yorkshire	Formed a trust prior to 1883
12	Stratford-on-Avon	Warwickshire	Formed a trust in 2001
13	Usk	Gwent	Originally thought a trust town
14	West Looe	Cornwall	Formed a trust prior to 1883
15	Winchelsea	East Sussex	Originally thought a trust town

³² For example, Virginia and Stanley Castle, *Richard Trew, 1793-1874, Mayor of Axbridge, A History of Axbridge in the Nineteenth Century* (Wedmore, 1993); and J.S. Cox, 'The Government of the Town', *Ilchester Historical Monograph*, Vol. 8 (Ilchester, 1956).

1.6 A case study approach

In 2011 nearly 20,000 words were written about the history of New Alresford Town Trust for an MA dissertation project.³³ On the basis that the regulations state that a PhD thesis should currently be presented at between 75,000 and 100,000 words, for the author to have repeated the sort of detail that featured in that MA dissertation would have allowed the coverage of a mere five of the cadre of town trusts that were established in the aftermath of the 1883 MCA. This approach could hardly be thought to do justice to the combined history of these thirty-seven charities. Therefore, this document contains the history of no one individual trust from foundation to the present day.

A holistic view of the cadre could only be achieved by a case study approach - studying the histories of all of the town trusts and then selecting which example or examples to use to represent the cadre.³⁴ As with any history project, all of the case studies are retrospective rather than prospective. Some are theory-seeking and others theory-testing; some are simply story-telling and others (mainly photographs) are illustrative. The rest are evaluative and many of these are tables.

On all occasions, what was thought to be the best example was used, irrespective of the possibility that this might have caused an imbalance of material – with more from some trusts in the cadre than others.

From trust to trust, there was a huge variation in the number and quality of the records that had been preserved and were available for study. For example, a full set of records (including minute books, schemes of arrangement and the clerk's and Chair's correspondence files from foundation to date) was available for Midhurst Town Trust (West Sussex) whereas no records at all could be discovered for Berkeley Town Hall Trust (Gloucestershire).

1.7 Research methodology conclusions

With regard to the first of the objectives named in the introduction to this research methodology chapter, it is now known that thirty-seven town trusts were established as a direct result of the 1883 MCA.

With regard to the second, a categorisation of the quality of those records discovered for each town trust is shown below. A 'full set' means that all of the minute books and schemes of arrangement have survived; a 'Partial' means that some of the above are

³³ Brian Rothwell, 'The Impact of the 1883 Municipal Corporations Act on Local Government in New Alresford' (unpublished dissertation, University of Winchester, 2011).

³⁴ Bill Gillham, *Case Study Research Methods* (London, 2000), 1.

missing (presumed lost) and in all probability will never be found. 'Zero' means that no (or very few) records were found or that access was denied due to un-archived records.

Table 1.4 Town trusts and a categorisation of records

No	Name of Town Trust	Categorisation	Comment
1	New Alresford Town Trust	Full set	Best in the cadre.
2	Axbridge Town Trust	Partial	
3	Berkeley Town Hall Trust	Zero	Trust closed
4	Bovey Tracey Town Trust	Unknown whereabouts	No reply to request
5	Brading Town Trust	Unknown whereabouts	No reply to request
6	Bradinch Town Trust	Full set	
7	Camelford Town Trust	Zero	Unsorted, access denied
8	Chipping Campden Town Trust	Full set	Council subsumed
9	Chipping Sodbury Town Trust	Partial	
10	Clun Town Trust	Full set	
11	Corfe Castle Town Trust	Full set	
12	Dunwich Town Trust	Full set	
13	Dursley Town Trust	Full set	
14	East Looe Town Trust	Zero	Unsorted, access denied
15	Fordwich Town Trust	Full set	
16	Garstang Town Trust	Full set	
17	Harton Town Trust	Full set	
18	Holt Town Trust	Full set	
19	Ilchester Town Trust	Full set	
20	Kenfig Corporation Trust	Partial (very)	
21	Cilgerran Town Trust	Unknown whereabouts	No reply to request
22	Langport Town Trust	Full set	Council subsumed
23	Llantrisant Town Trust	Unknown	No reply to request
24	Loughor Town Trust	Partial (very)	
25	Marazion Town Trust	Full set	
26	Midhurst Town Trust	Full set	
27	Nefyn Town Trust	Unknown whereabouts	No reply to request
28	Orford Town Trust	Full set	Council subsumed
29	Pevensey Town Trust	Full set	
30	New Radnor Town Trust	Zero	
31	St Clears Town Trust	Unknown whereabouts	No reply to request
32	Thornbury Town Trust	Partial	
33	Westbury Town Trust	Zero (or near)	Trust closed
34	Winchcombe Town Trust	Full set	
35	Wootton Bassett Town & Hall Trust	Full set	Council subsumed
36	Wotton-under-Edge Town Trust	Full set	Council subsumed
37	Yarmouth Town Trust	Full set	

There were five trusts in the 'Zero' category, five in the 'Partial' and twenty-one in the 'Full set'. A categorisation for six trusts has had to be recorded as 'unknown whereabouts' - Bovey Tracey, Brading, Cilgerran, Llantrissant, Nefyn, and St Clears – because these trusts did not respond to requests for information and their records had not been lodged in the relevant CRO.

With regard to objective number three, local press records were researched for all ten trusts in the 'Zero' and 'Partial' categories and the six in the 'unknown' category, making a total of sixteen. They were all held on microfiche at the relevant county record office and sometimes there was more than one local paper. The results were encouraging for details surrounding the foundation of these town trusts – there was a finite time period within

which to research, usually 1888-91. However, if the rest of their history was buried somewhere in 130 years of local reportage, this author had neither the time nor the eyesight to scan so much microfiche material in so many counties. The British Library newspaper database was searched for the words 'town trust' but to no avail.

With regard to the fourth research methodology objective, interviews with the representatives of eleven trusts were carried out. Of the other twenty-six, two had closed, five had been subsumed into local councils, five more had no warring factions from the start, two filled in questionnaires but did not permit access to trustees, five others preferred the impersonal contact of email or telephone only and seven failed to respond to approaches for information.

CHAPTER TWO

HISTORIOGRAPHY

2.1 Introduction

The creation of town trusts, in the aftermath of the 1883 Municipal Corporations Act (MCA), was but a small and insignificant part of the development of the nineteenth-century local government system in England and Wales. It was a late adjustment that came towards the end of a statutory process that covered more than sixty years, beginning in the 1830s when the parliamentary attitude towards local governance could be best described as laissez-faire and not ending until the 1890s, when it was considerably more directed.

The 1883 MCA has been hailed by some historians as the origin of the democratic ideal in local government.

The grand principle of representative democracy has been fully applied to local government and securely established by the series of measures which started with the Municipal Corporations Act of 1883 and culminated in the Local Government Act of 1894. In England at least ... the prophecy of the triumph of democratic ideas was substantially fulfilled before the close of the nineteenth century.¹

The 1883 statute has been lauded because it served as the model for local government in the UK for almost 140 years.² In its mould the county councils of 1888 and the district and parish councils of 1894 were later cast. The system that it introduced was also copied in Australia, Canada and New Zealand, in the municipalities of India and in parts of Africa.³ However, arguably the journey that led to representative democracy at local level began, not in 1883 with the first MCA, but with the Reform Act of 1832. This marks the real start of the development of local government in the nineteenth century.

The town trusts that are the focus of this thesis need to be put into the context in which they were founded and that context cannot be appreciated without an understanding of the development of nineteenth-century local government that started in 1832 and did not end until 1894, when all rate payers over the age of twenty-one were municipally enfranchised, including both single and married females. By no account was this developmental process a smooth journey with a pre-determined outcome. The nineteenth-century paths that led to local democracy were never motorways, and only rarely were they

¹ Josef Redlich and F.W. Hirst, *The History of Local Government in England* (London, 1901), 220.

² The nineteenth-century model of local government ended with the passing of the 1972 Local Government Act. The changes that this statute ushered in were implemented in 1974.

³ Bryan Keith-Lucas, *English Local Government in the Nineteenth and Twentieth Centuries* (London, 1977), 1.

high roads; more often than not they were a set of meandering byways.⁴ In some cases the responsible parliamentarians did not intend to arrive at their final destination.

2.2 The ancient municipal corporations

Although the term 'local government' did not exist until the mid-Victorian era (1860s), the ancient municipal borough corporations, together with the parishes and the counties, were part of the 'local government' of England and Wales for centuries beforehand. The parishes, of which there were more than 15,000 at the beginning of the 1830s, appointed unpaid officers to act as police constables, highway surveyors and overseers of the poor as well as church wardens. The counties, into which most of the country had been split in the Middle Ages, were administered by Justices of the Peace (JPs). These crown-appointed officials had both a judicial role, exercised through the Quarter Sessions, as well as administrative responsibilities for highways and bridges, weights and measures and a general oversight of the parishes. The boroughs were independent of both the counties and the parishes. They were exempt from the jurisdiction of the county and effectively governed themselves through their own municipal corporations.⁵

All thirty-seven of the towns that formed trusts had been governed for centuries by municipal borough corporations. Although royal charters of incorporation had been issued to cities and towns beforehand, the major expansion in the number of boroughs occurred in November 1295, at a time when King Edward I needed money because England was threatened by two potential invaders. His enemies, France and Scotland, had signed a treaty of alliance in the previous month. In order to raise funds for war, Edward convened an enlarged Parliament. In addition to the usual assembly of clergymen and aristocrats from the counties, he had his sheriffs invite representatives from the cities and towns.⁶

To tempt acceptance of his invitation Edward dangled the right to municipal status:

... moreover, the said knights are to have full and sufficient power for themselves and for the community of the aforesaid county, and the said citizens and burgesses for themselves and the communities of the aforesaid cities and boroughs separately, then and there for doing what shall then be ordained according to the common counsel in the premises; so that the aforesaid business shall not remain unfinished in any way for defect of this power. And you shall have there the names of the knights, citizens and burgesses and this writ.

Witness the King at Canterbury on the third day of October.⁷

⁴ K. Theodore Hoppen, *The Mid-Victorian Generation, 1846-1886* (Oxford, 1998), 571.

⁵ David Wilson and Chris Game, *Local Government in the United Kingdom* (Basingstoke, 1994), 50.

⁶ Michael Nash, 'Crown, Woolsack and Mace: the Parliament of 1295', *Contemporary Review*, November, 1995.

⁷ E.P. Cheyney, *Translations and Reprints of the Original Sources of European History* Vol.1, No. 6 (Pennsylvania, 1897), 34-35.

Such incorporated status permitted a town's elite to tax themselves separately from the county and to restrict local trading to a select circle of those who qualified.⁸ En masse, those towns that accepted the King's invitation to send representatives became the first parliamentary boroughs.

Subsequently, through the centuries this municipal status was often confirmed by a written charter, most of them issued by the Crown, but sometimes by a baron or the church. It was not uncommon for a corporation to be in possession of several different versions. Yarmouth (Isle of Wight) was in receipt of seven such royal charters, the first issued in 1135, as already stated, and the last in 1609.⁹

The number of municipally incorporated boroughs was steadily increased by the issuance of new charters (particularly in Tudor times) and these often, but not always, included the right to send representatives to Parliament. These documents were sought after – the more prosperous a town became, the harder its leading citizens fought to increase their independence. Their ultimate achievement was a charter of incorporation – not only for the status involved, but also because this gave a town the right to appoint its own justices and, therefore, to organise its own court.¹⁰ This saved the time and expense of a journey to the Quarter Sessions run by potentially unfriendly county magistrates.¹¹

Over the centuries, incorporation developed to bestow tangible legal and constitutional rights. It established the municipality as an independent legal entity, separate from the individuals that comprised its membership. This meant that a corporation could both sue and be sued, and it could own land and property. It also meant that it could enact its own by-laws (within the framework of statute and common law) and that the organisation could ensure its own succession in perpetuity.¹² These bodies, however, tended to be private rather than public institutions, responsible only to their members and not to all inhabitants.¹³ Although there were examples of 'open' corporations where members were regularly elected by the freemen of the town, the majority were 'closed', meaning that members were co-opted for life and that any vacancies were filled by invitation rather than by election.¹⁴

In 1831, no one knew how many municipal boroughs there were scattered throughout England and Wales or how to identify them. If they had been of such a mind, parliamentarians could have counted that there were 240 English and Welsh boroughs that

⁸ Bryan Keith-Lucas, *The Unreformed Local Government System* (London, 1980), 15.

⁹ The archives of Yarmouth Town Trust that are held in the Town Hall. See p. 22 above.

¹⁰ Mark Girouard, *The English Town* (London, 1990), 21.

¹¹ Peter Richards, *The Reformed Local Government System* (London, 1973), 12.

¹² Penelope Corfield, *The Impact of English Towns, 1700-1800* (Oxford, 1982), 149.

¹³ Derek Fraser, 'Introduction', in D. Fraser, (ed.), *Power and Authority in the Victorian City* (Oxford, 1979), 2.

¹⁴ Corfield, *op cit.*, 150-1.

sent MPs to Westminster.¹⁵ But no-one had an overview of the other municipal boroughs that had allowed their parliamentary mandate to lapse in medieval times, or of those towns that had been incorporated by charter but whose inhabitants had never held the right to vote for a borough MP, or of the places that did not possess a charter but had decided at some stage in their history to self-prescribe their town's governing body as a municipal corporation.

There was no statute that defined a municipal corporation and there was no uniformity of rights and duties amongst the boroughs because their charters (or prescriptions) were all individual and different.¹⁶ Each incorporated body had, over the centuries, developed in its own way, with differing customs and conventions. What existed was a mosaic of borough institutions, most of which by the 1820s were ill-equipped financially to deal with the problems of a fast growing and rapidly changing urban society. Although some of these corporations did have a distinguished history of protecting urban interests against encroachment from the landed elite of the counties, there was also much corruption and mismanagement.¹⁷ The corporation members often ran their institution for their own benefit, were guilty of profiteering or the appropriation of public monies for private purposes and many were viewed with distrust and suspicion by the inhabitants.

Writing about the corporation in the trust town of Cilgerran (Pembrokeshire) in 1867, a local historian commented: 'since 1835, the fair tolls were discontinued, and since that period the office of the Portreeve has fallen into disrepute and wholly incompetent persons have, I regret to say, been elected, whereby the dignity of the office has been lost'.¹⁸ The Royal Commissioners of 1833 wrote of the trust town of St Clears (Carmarthenshire), 'the corporation members have appropriated borough funds for their own private uses, instead of laying the monies out for the general improvement of the town'.¹⁹

In 1796, *The Spectator* damned the parliamentary borough of Wootton Bassett (that later formed a town trust) by stating that the town was 'a decayed and miserable place, celebrated only for its pre-eminence at the head of the list of the most corrupt towns'.²⁰ This borough's place at the top of the corruption league table was overtaken by the Cornish

¹⁵ D.R. Fisher, *The History of Parliament, The House of Commons, 1820-1832, I, Introductory Survey, Appendices* (Cambridge, 2009), 25-7, 71.

In 1831, there were 202 English borough constituencies (Grampound having been disenfranchised in 1826) and the Welsh borough representation was vested in the compounded electorates of thirty-eight towns.

¹⁶ Redlich and Hirst, *op cit.*, 117.

¹⁷ Derek Fraser, 'Municipal Reform in Historical Perspective', in D. Fraser (ed.), *Municipal Reform and the Industrial City* (Leicester, 1982), 2-3.

¹⁸ John Roland Phillips, *The History of Cilgerran* (London, 1867), 41.

¹⁹ Parliamentary Papers, House of Commons, Reports of Commissioners, 1835 [116], Royal Commission, 1833-35. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 5 February 2011, www.parlipapers.chadwyck.co.uk

²⁰ Fisher, *III, Constituencies, Part 2*, 222.

town of Grampound in 1819. There, the corporation seemingly existed only for the purpose of enabling the freemen of the town to derive revenues from their votes. Blatant bribery was exposed and proved beyond doubt by an inquiry into the 1818 election which led to the criminal convictions of the borough's patron, Sir Manasseh Masseh Lopes, and twenty-three other electors who were fined and imprisoned. This legal case led to a Disenfranchisement Act being passed in 1821, which stipulated that it would take effect at the next dissolution of Parliament, which turned out to be in 1826. That year, Grampound became the first borough to be disenfranchised for delinquency since Maidstone in 1553.²¹

Another common feature of the municipal corporations was that their members seemingly could not conduct their governance affairs without wining and dining copiously. A corporation dinner in 1832 in the parliamentary borough of Gloucester cost £234 14s and this was not untypical. Today, in 2014, this quantum would equate to more than £20,000.²² The Royal Commissioners of 1833-5 referred to this level of expenditure as being, 'far from unobjectionable'.²³

2.3 The Royal Commission of 1833-5

The Royal Commission of 1833-5 was appointed to investigate the activities and structure of 284 municipal corporations and these are all listed in Appendix 1. The commissioners' schedule included thirty-one of the towns that went on to form trusts in the wake of the 1883 MCA.

Table 2.1 Towns that formed trusts – investigated by the Royal Commission of 1833-5

No.	Name of Town (current County/Admin Area)	No.	Name of Town (current County/Admin Area)
1	Axbridge (Somerset)	17	Cilgerran (Pembrokeshire)
2	Berkeley (Gloucestershire)	18	Langport (Somerset)
3	Brading (Isle of Wight)	19	Llantrisant (Rhondda Cynon Taff)
4	Bradninch (Devon)	20	Loughor (Swansea)
5	Camelford (Cornwall)	21	Marazion (Cornwall)
6	Chipping Sodbury (South Gloucestershire)	22	Nefyn (Gwynedd)
7	Clun (Shropshire)	23	Orford (Suffolk)
8	Corfe Castle (Dorset)	24	Pevensey (East Sussex)
9	Dunwich (Suffolk)	25	New Radnor (Powys)
10	Dursley (Gloucestershire)	26	St Clears (Carmarthenshire)
11	East Looe (Cornwall)	27	Thornbury (South Gloucestershire)
12	Fordwich (Kent)	28	Westbury (Wiltshire)
13	Garstang (Lancashire)	29	Wootton Bassett (Wiltshire)
14	Holt (Wrexham)	30	Wotton-under-Edge (Gloucestershire)
15	Ilchester (Somerset)	31	Yarmouth (Isle of Wight)
16	Kenfig (Bridgend)		

²¹ Fisher, *II, Constituencies, Part 1*, 153-4.

The Grampound seats were passed to the County of Yorkshire in 1826.

²² Bank of England, Inflation Calculator, 19 July 2012, www.bankofengland.co.uk

²³ Parliamentary Papers, House of Commons, Reports of Commissioners, 1835 [116], Royal Commission, 1833-35. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 15 July 2012, www.parlipapers.chadwyck.co.uk.

Of these thirty-one town corporations, the commissioners' investigations and report revealed that eighteen of them were in parliamentary boroughs that had been declared as such by a royal charter at some time in the past.

Table 2.2 Towns that formed trusts – parliamentary boroughs by royal charter

- | | |
|--------------------------|--------------------------------------|
| 1. Axbridge (Somerset) | 10. Langport (Somerset) |
| 2. Bradninch (Devon) | 11. Llantrisant (Rhondda Cynon Taff) |
| 3. Camelford (Cornwall) | 12. Loughor (Swansea) |
| 4. Corfe Castle (Dorset) | 13. Nefyn (Gwynedd) |
| 5. Dunwich (Suffolk) | 14. Orford (Suffolk) |
| 6. East Looe (Cornwall) | 15. New Radnor (Powys) |
| 7. Holt (Wrexham) | 16. Westbury (Wiltshire) |
| 8. Ilchester (Somerset) | 17. Wootton Bassett (Wiltshire) |
| 9. Kenfig (Bridgend) | 18. Yarmouth (Isle of Wight) |

By the 1830s, about two-thirds of the parliamentary boroughs were also municipal boroughs (and vice versa).²⁴ The other thirteen trust boroughs were therefore tabulated by the commissioners as 'municipal but not parliamentary'. Of these, four towns held royal charters of incorporation that had been issued by various monarchs at different times, but none of them specified parliamentary representation. For example, in 1679 Charles II granted a charter of incorporation to Garstang, making the town a free borough, independent of the county, ruled by a bailiff and seven burgesses who held office for life. The charter of a fifth town, Clun (Shropshire), was not royal but baronial, having been issued by the Earl of Arundel during the reign of Edward II (1307-27). This also did not contain a parliamentary mandate.

Table 2.3 Towns that formed trusts – non-parliamentary municipal boroughs by charter

- | | |
|---|--------------------------|
| 1. Brading (Isle of Wight) | 4. Garstang (Lancashire) |
| 2. Chipping Sodbury (South Gloucestershire) ²⁵ | 5. Marazion (Cornwall). |
| 3. Clun (Shropshire) | |

²⁴ Jonathan Barry, ch. 2, South West in Peter Clark, (ed.), *The Cambridge Urban History of Britain, Volume II, 1540-1840* (Cambridge, 2000), 89.

²⁵ GLOSRO, D 2071, Chipping Sodbury was granted a royal charter in 1682 but by 1694 the inhabitants had requested that it be rescinded. Later corporations in this town were municipal by prescription.



Illustration 8: A commemorative stone set on the wall of the Town Hall in Marazion, Cornwall. It celebrates the 400-year anniversary of the town being presented with its non-parliamentary municipal charter by Queen Elizabeth I in 1595. Photograph by the author, March 2013.

The eight other towns had no charter of incorporation, merely having self-declared their town as municipal at some time in the past and basing their claim to that status on long usage and custom.²⁶

Table 2.4 Towns that formed trusts – municipal by self-prescription

- | | |
|-------------------------------|--|
| 1. Berkeley (Gloucestershire) | 5. Pevensey (East Sussex) |
| 2. Cilgerran (Pembrokeshire) | 6. St Clears (Carmarthenshire) ²⁷ |
| 3. Dursley (Gloucestershire) | 7. Thornbury (South Gloucestershire) |
| 4. Fordwich (Kent) | 8. Wotton-under-Edge (Gloucestershire) |

The fact that all of the thirty-one ancient corporations featured in table 3.1 survived to form town trusts late in the century means that none of them were recommended for reform by the Royal Commissioners in 1835 and that they did not feature in the 1835 MCA. Together with another seventy-five municipal bodies, all of them were simply left

²⁶ Parliamentary Papers, House of Commons, Reports of Commissioners, 1835 [116], Royal Commission, 1833-35. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 5 February 2011, www.parlipapers.chadwyck.co.uk.

There were 107 towns listed as 'municipal but not parliamentary'. These included the fifty-six ex-parliamentary boroughs that were disenfranchised in 1832 and Grampound that had been disenfranchised in 1826.

²⁷ The Royal Commissioners in 1833 hedged their bets about the origins of governance in the town of St Clears. They wrote 'there is no charter or copy of a charter amongst the muniments of the borough and it is said to be a borough by prescription. [The town, however, appears to have possessed charters, or copies of them, in the reigns of Richard II and Henry VI within recent years]'.

A plaque on the wall of the current town hall claimed, in 2014, that the old corporation was granted by a Richard II charter.

undisturbed in an unreformed state, to carry on whatever they had been doing in ways that had remained unchanged for centuries.

Although the commissioners' report noted that there were some corporations, such as that in Kings Lynn (Norfolk), which did attend to their municipal duties more assiduously than the majority, the conclusions of the 1835 Royal Commission were scathing:

In conclusion, we report to YOUR MAJESTY that there prevails amongst the inhabitants of a great majority of the incorporated towns a general, and in our opinion, a just dissatisfaction with their Municipal Institutions; a distrust of the self-elected Municipal Councils, whose powers are subject to no popular control, and whose acts and proceedings being secret, are unchecked by the influence of public opinion; a distrust of the Municipal Magistracy, tainting with suspicion the local administration of justice, and often accompanied with contempt for of the persons by whom the law is administered; a discontent under the burthens of Local Taxation, while revenues that ought to be applied for the public advantage are diverted from their legitimate use, and are sometimes wastefully bestowed for the benefit of individuals, sometimes squandered for purposes injurious to the character and morals of the people. We therefore feel it to be our duty to represent to YOUR MAJESTY that the existing Municipal Corporations of England and Wales neither possess nor deserve the confidence or respect of YOUR MAJESTY'S subjects, and that a thorough reform must be effected, before they can become, what we humbly submit to YOUR MAJESTY they ought to be, useful and efficient instruments of local government.²⁸

Some of the towns that later formed trusts were singled out for criticism and no punches were pulled. The commissioners were damning about Camelford (Cornwall). In an oblique reference to the disenfranchised borough of Grampound in the same county, they stated, 'The corporation was kept going for no other purpose than that of creating electors of the parliamentary borough. A more complete system of corruption has not existed before in any Cornish borough'.²⁹

Through twenty-first century eyes, the corporation members of the trust town of Corfe Castle (Dorset) deserved a bad report. Together with the members from Lichfield (Staffordshire), Dover, Maidstone and New Romney (all Kent), they were the only five corporations that ignored every entreaty to co-operate with the Royal Commissioners in 1833.³⁰ They refused to divulge any information about themselves at all. No details of activities or responsibilities were exchanged and the commissioners were left with only

²⁸ Parliamentary Papers, House of Commons, Reports of Commissioners, 1835 [116], Royal Commission, 1833-35. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 5 February 2011, www.parlipapers.chadwyck.co.uk

²⁹ Fisher, *II, Constituencies, Part 1*, 147.

³⁰ Rosemary Sweet, *The English Town, 1680-1840, Government Society and Culture* (Harlow, 1999), 155. In spite of their refusal to disclose information, the corporations of Lichfield, Dover and Maidstone were nevertheless reformed under the 1835 Municipal Corporations Act.

impressions to record. 'The town of Corfe Castle is of mean appearance, presenting no indication of present prosperity or of progressive improvement' was all that they noted.³¹

This Royal Commission was appointed by a Whig coalition government and was dominated by their representatives. Only two out of the twenty commissioners were not Whigs or Radicals.³² Writing in 1908, even the left-wing sympathisers Sidney and Beatrice Webb argued that, 'the history student must dismiss the report as a bad case of a violent political pamphlet, being to serve Party ends, issued as a judicial report'.³³

Many later historians followed the lead of the influential Webbs. In 1936, Woodward stated that, 'the report of the Commission was rhetorical and unfair. It attributed to all boroughs the gross corruption of a few, and assumed that popular control was a guarantee of administrative purity and competence'.³⁴ In 1966, Finlayson argued that, 'the bias inherent in this Royal Commission originated not only from its composition but also from its terms of reference. It was instructed not simply to inquire into the existing state of corporations but also to collect information respecting the defects in their constitutions'.³⁵

By contrast, in 1952 Keith-Lucas stated, 'the report was on the whole an honest statement of the condition of the borough corporations. No exaggeration or misrepresentation was needed, for the bare statement of facts was in itself enough to damn them completely.'³⁶ In a later 1980 work the same author concluded, 'whether or not the Webbs were right – that things were not nearly as bad as the Royal Commissioners suggested – the condition of the majority of boroughs in 1835 was bad enough to warrant reform'.³⁷

A review in 2012 of the commissioners' reported facts evoked agreement with the Keith-Lucas view that corruption and mismanagement were rife in many, if not in all, of the ancient municipal corporations. However, it was also certainly true that the Royal Commissioners of 1833-5 were politically inclined towards a Whig perspective that included the necessity of municipal reform.³⁸

The pressure for municipal reform emerged directly out of the process of industrialisation and urbanisation. Concern for more effective local government was born of the population shift from countryside to town which characterised the industrial

³¹ Fisher, *II, Constituencies, Part 1*, 324.

³² Fraser, *Power and Authority*, 7.

³³ Sidney and Beatrice Webb, *English Local Government, the Manor and the Borough* (London, 1908), 721.

³⁴ Sir Llewellyn Woodward, *The Age of Reform, 1815-1870* (Oxford, 1936), 460.

³⁵ G.B.A.M. Finlayson, 'The Politics of Municipal Reform, 1835', *The English Historical Review*, Vol. 81, No. 321 (October, 1966), 675-6.

³⁶ Bryan Keith-Lucas, *The English Local Government Franchise, a Short History* (Oxford, 1952), 51.

³⁷ Keith-Lucas, *Unreformed Local Government System*, 13.

³⁸ Boyd Hilton, *A Mad, Bad and Dangerous People* (Oxford, 2006), 498.

revolution.³⁹ With this urban growth came new pressures for collective services to provide at least the basic amenities for mass living. Important amongst these needs were the provision of fresh water, street cleaning, paving and lighting, refuse clearance and sewage disposal.⁴⁰

In the early 1830s there were three main planks to the municipal reform case. First, there was the growing problem of law and order in the expanding towns that was worrying to a national government haunted by the prospect of a mass political revolt on European lines. Revolutions occurred in both France and Belgium in 1830.⁴¹ In England, the reform bill riots of 1831-2 were within recent memory and they had been thought by many at the time to be the preliminaries to a civil war.⁴² Some municipal reform was therefore necessary to reduce the risk of societal upheaval, claimed the Whig progressives who had remained in office after the 1832 Reform Act.

Second, there was pressure from the wealth of the new entrepreneurial class, who were mostly radical in politics and dissenters. The Test and Corporations Acts had been repealed in 1828 and the Catholic Emancipation Act passed in 1829, but the municipalities were still the almost exclusive province of the gentlemen and merchants of the Tory-Anglican establishment.⁴³ The newly rich but disenfranchised class honed in on the self-perpetuated oligarchies that were the corporations and linked this to the evils of corruption and the mismanagement of public assets. They were demanding reform, not for social or economic reasons, but because they saw elections as the means that the membership of corporations could be opened up to themselves.⁴⁴

Third, the timing of the municipal reform can be explained by the pressure exerted by a Whig coalition government whose members were determined that the benefits of the 1832 Reform Act to their own party should not be frustrated by the preservation of Tory power in the remaining boroughs.⁴⁵ The distribution of charitable bequests and the dispensation of local appointments by the Tory landed gentry provided too many

³⁹ Fraser, *Power and Authority*, 3.

⁴⁰ Corfield, *op cit.*, 156-7.

⁴¹ Michael Smith, 'Parliamentary Reform and the Electorate', in Chris Williams, (ed.), *A Companion to Nineteenth Century Britain* (Oxford, 2004), 156-172.

⁴¹ Fisher, II, *Constituencies, Part 1*, 324.

⁴¹ Fraser, *Power and Authority*, 7.

⁴¹ Sidney and Beatrice Webb, *op cit.*, 721.

⁴¹ Woodward, *op cit.*, 460.

⁴¹ Finlayson, *op cit.*, 675-6.

⁴¹ Bryan Keith-Lucas, *English Local Government Franchise*, 51.

⁴¹ Keith-Lucas, *Unreformed Local Government System*, 13.

⁴¹ Hilton, *op cit.*, 498.

⁴¹ Fraser, *Power and Authority*, 3.

⁴² J.C.D. Clark, *English Society, 1660-1832* (Cambridge, 2000), 545.

⁴³ *Ibid.*, 536.

⁴⁴ Edward Royle, *Modern Britain, A Social History, 1750-1997* (London, 1997), 116.

⁴⁵ Fraser, *Power and Authority*, 3-5.

opportunities to gain what most of the reformers regarded as an unfair electoral advantage.⁴⁶

2.4 The 1832 Reform Act

Of the thirty-seven towns that formed trusts after the 1883 MCA, twenty had at one time been entitled to send MPs to Westminster. Four of this group, however, were amongst the sixty-nine parliamentary boroughs of medieval or later date that had failed to maintain that status up to 1832.⁴⁷

These included New Alresford (Hampshire) where this right had been allowed to lapse in the fourteenth century. In those days a borough had to support the expense of its members attending Parliament and any economic uncertainty produced reluctance amongst the inhabitants of smaller towns to send their representatives. In 1348, at the time of the Black Death, the burgesses of New Alresford requested that, 'they be relieved of the *burthen* of sending members to the common council of the realm'.⁴⁸ At Axbridge (Somerset) parliamentary borough status was similarly short-lived; the town's MPs were sent to Parliament only in 1295, 1313 and 1321-25.⁴⁹ Langport (also in Somerset) and Bradninch (Devon) had also lost their representation rights long before the Reform Act; neither town features in the list of parliamentary constituencies after 1386.⁵⁰

Table 2.5 Towns that formed trusts – lapsed parliamentary boroughs

- | | |
|------------------------------|------------------------|
| 1. New Alresford (Hampshire) | 3. Bradninch (Devon) |
| 2. Axbridge (Somerset) | 4. Langport (Somerset) |

In 240 other towns, however, the right to parliamentary representation survived through the ages.⁵¹ During the seventeenth and eighteenth centuries, as the importance of Parliament as an arm of the state increased, this right came to outweigh all other rights and duties in some of the boroughs.⁵² A great number of corporations existed only to return MPs, possessed only nominal municipal powers and undertook few public duties.⁵³ East Looe (Cornwall), a town that formed a trust in 1890, serves as a typical example. An

⁴⁶ Philip Salmon, *Electoral Reform at Work, Local Politics and National Parties, 1832-1841* (Woodbridge, 2002), 214.

⁴⁷ Richard Cheffins, *Parliamentary Constituencies and their Registers since 1832* (London, 1998), 338-9.

This means that by 1831 there had been a total of 309 English and Welsh parliamentary boroughs through the centuries, 240 that still existed and sixty-nine that had lapsed.

⁴⁸ Arthur Stowell, *The Story of Alresford* (New Alresford, 2000), 13.

⁴⁹ Virginia and Stanley Castle, *Richard Trew, 1793-1874, Mayor of Axbridge, A History of Axbridge in the Nineteenth Century* (Wedmore, 1993), 13.

⁵⁰ J.S. Roskill, *The History of Parliament, The House of Commons, 1386-1421, I, Introductory Survey, Appendices, Constituencies* (Stroud, 1992), 250.

⁵¹ Fisher, *I, Introductory Survey, Appendices* 25-7, 71.

⁵² Keith-Lucas, *Local Government in the Nineteenth and Twentieth Centuries*, 9.

⁵³ Parliamentary Papers, House of Commons, Reports of Commissioners, 1835 [116], Royal Commission, 1833-35. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 16 July 2012, www.parlipapers.chadwyck.co.uk

investigating commissioner succinctly noted in 1833 that, 'its corporation had been kept alive merely for election purposes'.⁵⁴

In 1831, the House of Commons was composed of 658 members. 145 came from Ireland and Scotland with another 513 representing three types of constituency in England and Wales. Oxford and Cambridge Universities contributed four MPs, the counties returned ninety-four and the boroughs 415.⁵⁵ Although the House of Lords, with its power to veto bills dominated Parliament, and the county members had more prestige in the Commons, MPs from the boroughs were in a very substantial numerical majority in the lower chamber.

In the forty English and twelve Welsh counties, MPs were uniformly elected by forty shilling freeholders, those whose annual revenue from the land they owned came to more than that amount.⁵⁶ This had been so since a statute had defined the qualifications for voting at county elections in 1429.⁵⁷ In the boroughs, however, there was no such consistency.

In a small minority of twelve of the English borough constituencies, their MPs were elected by potwallopers.⁵⁸ At Ilchester (Somerset), a potwalloper borough that later formed a town trust, an estimated 200 men, more than 20 per cent of the town's population of 975, possessed the right to vote at the 1831 election.⁵⁹ In a larger minority of thirty-six other borough constituencies, MPs were chosen by scot-and-lot electors who qualified by paying the poor rate. Out of a population of 1,712 that inhabited the trust town of Corfe Castle (Dorset) in 1831, an estimated fifty male householders paid scot-and-lot and formed the electorate, just under 3 per cent representation.⁶⁰ However, in the majority of the English boroughs the situation was even more unrepresentative than it was in a potwalloper or a scot-and-lot borough. In these towns an elector had to own a freehold, or have been declared a freeman, or be in possession of a burgage tenure, or be a member of a corporation or, in the case of London be in the livery of a worshipful company.

⁵⁴ Fisher, *II, Constituencies, Part 1*, 166.

⁵⁵ Fisher, *I, Introductory Survey, Appendices*, 1, 25, 63, 71.

The 202 English boroughs returned 403 MPs and the twelve Welsh compound boroughs one MP each.

⁵⁶ Hoppen, *op cit.*, 239.

⁵⁷ Catherine Hall, 'The Reform Bill is Passed' in Michael Wood (ed), *The Great Turning Points in British History* (London, 2009), 93.

⁵⁸ See definition in Glossary of Terms on p. 238 below.

⁵⁹ Fisher, *II, Constituencies, Part 1*, 908.

⁶⁰ *Ibid.*, 322.

Table 2.6 Types of English borough franchise in 1831

Type of English borough franchise ⁶¹	Number of boroughs	Number of MPs	Total electorate (estimate)	Average electorate per borough
1. Potwalloper	12	24	13,400	1,117
2. Scot-and-lot	36	71	32,800	911
3. Freeholder	8	18	5,370	671
4. Freeman	90	177	112,000	1,244
5. Burgage	30	60	67,900	2,263
6. Corporation	25	49	726	29
7. Livery	1	4	12,000	12,000
Total	202	403	244,196	1,209

The size of the borough constituencies varied enormously. The largest of them, Westminster, had an estimated 13,000 scot-and-lot voters who were entitled to return their two Members of Parliament (MPs).⁶² By contrast, the two Cornish trust towns of Camelford and East Looe, with a combined qualifying electorate of only sixty-five freemen voters, sent four MPs, twice as many, to the House of Commons.

The boroughs that MPs represented had been established in the early fourteenth century and some had ceased to exist. In some small towns there were so few electors, and therefore so much more risk of corruption, that they were often referred to as ‘rotten boroughs’. The most notorious of them all, both at the time and afterwards to historians, was the burgage borough of Old Sarum (Wiltshire) that was uninhabited but nevertheless still returned two MPs.⁶³ Less notorious, both then and since, was the corporation borough of Yarmouth (Isle of Wight) that later became a trust town:

From 1811 both borough seats were controlled by Sir Leonard Worsley Holmes of Westover, Isle of Wight ... patron of the self-elected corporation of the twelve chief burgesses of Yarmouth, one of whom was internally elected as the mayor annually ... The election of the chief burgesses was entirely dependent on the wishes of the patron family; for a great number of years no burgess was elected without the previous approval of a Holmes family representative.⁶⁴

Freemen boroughs were also often in the ‘pocket’ of landowning families. The trust town of Orford (Suffolk), with an estimated twenty-two voters, was the pocket borough of both the Second and the Third Marquis of Hertford. Dunwich (also a trust town in Suffolk),

⁶¹ Fisher, *I*, *Introductory Survey*, *Appendices* 25-75.

Most English boroughs returned two MPs. There were five who returned a single member, Abingdon (Scot-and-lot), Banbury (Corporation), Bewdley, Higham Ferris and Monmouth (all Freeman). The combined borough of Weymouth and Melcombe Regis (Freeholder), united by an Act of Parliament in 1571, returned four MPs as did the City of London (Livery). The enduring assumption made by historians, that the twelve Welsh boroughs were uniformly Scot-and-lot and/or Freeman franchises, requires substantial qualification. Nearly every town that was part of the main borough and out-borough electoral system (thirty-eight) seemingly had a different variant on these two types of franchise. What they had in common was that they all had a corporation, were dominated by lords of the manor and returned one MP only.

⁶² Fisher, *II*, *Constituencies*, *Part 1*, 679.

⁶³ *Ibid.*, 146, 167.

⁶⁴ *Ibid.*, 462.

with an estimated thirty-three freemen electors, became fully under the control of the Barne family in 1819.⁶⁵ Since 1768 they had held one of this borough's seats in the family 'pocket', but that year Sir Joshua Vanneck ceded them the nomination right to the town's second seat for twenty-one years for the sum of £600 per annum. In 1831, only seventeen Dunwich freemen electors were 'insetters', resident in the borough; the remainder were 'outsetters', domiciled elsewhere.⁶⁶

Boroughs which were under the control of one patron or family were often bought and sold. The attraction for the gentry was that they only had a small number of people to influence and it was, therefore, easier to ensure control of the way the qualifying electorate voted. One of the trust towns to change hands in this way was Midhurst (West Sussex), which was put up for sale in 1802 and purchased by the Smith family, a long standing City of London banking dynasty.⁶⁷ Another was the trust town of Westbury (Wiltshire), which was acquired by Sir Manasseh Masseh Lopes from the Fifth Earl of Abingdon for £75,000 in 1810.⁶⁸

Table 2.7 Towns that formed trusts – parliamentary borough franchises prior to 1832

No.	Name of Town (current County/Admin Area)	Parliamentary franchise	Electorate (estimate)	Date of enfranchisement
1	Camelford (Cornwall)	Freeman/ Scot-and-lot	30	1509
2	Corfe Castle (Dorset)	Scot-and-lot	50	1558
3	Dunwich (Suffolk)	Freeman	33	1295
4	East Looe (Cornwall)	Freeman	38	1558
5	Holt (Wrexham)	Freeman	80	1542
6	Ilchester (Somerset)	Potwalloper	200	1621
7	Kenfig (Bridgend)	Freeman	180	1542
8	Llantrisant (Rhondda Cynon Taff)	Freeman	180	1542
9	Loughor (Swansea)	Freeman	40	1542
10	Midhurst (West Sussex)	Burgage	41	1295
11	Nefyn (Gwynedd)	Freeman	122	1542
12	Orford (Suffolk)	Freeman	22	1558
13	New Radnor (Powys)	Freeman	115	1542
14	Westbury (Wiltshire)	Burgage	61	1509
15	Wootton Bassett (Wiltshire)	Scot-and-lot	250	1509
16	Yarmouth (Isle of Wight)	Corporation	12	1584

Some of these towns had been parliamentary boroughs since the first royal invitation in 1295 - like Dunwich, Midhurst and Westbury.⁶⁹ Others had been parliamentary boroughs in the same distant past - like Ilchester, which had sent MPs to Westminster from 1298 to 1361 but had then allowed this privilege to lapse: this was restored in 1621.⁷⁰ All of the

⁶⁵ Fisher, I, *Introductory Survey, Appendices*, 34.

⁶⁶ Dr O. Pickard, *The Little Freemen of Dunwich, The Story of a Rotten Borough* (Dunwich, 1997), 125.

⁶⁷ See pp. 106-8 below.

⁶⁸ Fisher, III, *Constituencies, Part 2*, 115-6, 215.

Masseh Lopes' criminal activities at Grampound in 1818 were referred to earlier, see p. 56 above.

⁶⁹ J.S. Roskill, *op cit.*, 619, 661.

⁷⁰ Andrew Thrusch and John P. Ferris, *The History of Parliament, The House of Commons, 1604-29, I, Introductory Survey; Appendices; Constituencies* (Cambridge, 2010), 353.

Welsh parliamentary seats, both counties and boroughs were enfranchised together in 1542 following the Act of Union between the two countries that became law in 1536.⁷¹

The English parliamentary borough representation in the House of Commons of the 1820s was heavily skewed towards towns that were situated south of an imaginary line drawn from The Wash to Bristol and then extending down the Severn Estuary and on into the Irish Sea.⁷² This explains in broad terms the nature of the location of the town trusts.⁷³ Many of the rapidly growing industrial towns, especially those in the Midlands and north of England had no parliamentary representation at all, except through their respective counties. These included what were, even in the first third of the nineteenth century, the large conurbations of Birmingham, Manchester and Sheffield.

Although there were calls for parliamentary reform long beforehand, it was only in 1832, under the Whig-led coalition government of Lord Grey, that the first Reform Act was passed. The fifty-six smallest ancient boroughs in England, all of them with populations of fewer than 2,000 inhabitants and all the havens of Tory MPs, lost their parliamentary seats.⁷⁴ Afterwards, qualifying electors could only vote in county elections or in the borough constituency into which their town had been merged. For example, Wootton Bassett was subsumed into the constituency of the borough of Cricklade⁷⁵ whereas East Looe was taken into the newly created eastern division of the county of Cornwall.⁷⁶ It was thus that the 1832 Reform Act took away the major *raison d'être* of many of the borough corporations in these small towns.

At Old Sarum the last vestiges of municipal organisation, together with the books and records of the old corporation, disappeared when the mayor vanished immediately after the disenfranchisement of the borough.⁷⁷ At least six other municipalities also ceased to function after they had been deprived of their perceived primary purpose - Bossiney and Tregony (both in Cornwall) became defunct in 1841 and 1849 respectively, Castle Rising (Norfolk) in 1836, Newtown (Isle of Wight) in 1837 and Plympton Earle (Devon) in 1860. In 1880, the town of Rhuddlan (Denbighshire) was also deemed to have become 'extinct since 1835' but the commissioner's report did not give a date.⁷⁸

⁷¹ S.T. Bindoff, *The History of Parliament, The House of Commons, 1509-58, Introductory Survey, Appendices; Constituencies* (London, 1982), 264.

⁷² Boyd Hilton, *op cit.*, 424.

⁷³ See map on p. 27 above.

⁷⁴ See Appendix 2 which shows the boroughs that were disenfranchised in 1832.

Fifty-five boroughs lost both of their MPs and Higham Ferris lost its single member.

⁷⁵ Fisher, III, *Constituencies, Part 2*, 225.

⁷⁶ Fisher, II, *Constituencies, Part 1*, 167.

⁷⁷ Keith-Lucas, *Unreformed Local Government System*, 36.

⁷⁸ See Appendix 5 which shows a summary of the findings of the 1876-80 Royal Commissioners. The 1883 MCA took no chances with these six corporations. The statute abolished them any way.

However, in the majority of the disenfranchised boroughs the unelected corporations continued to operate, in spite of losing their parliamentary mandate. In eight of the towns that were disenfranchised by the 1832 Reform Act, the corporations survived to form town trusts in the late 1880s and early 90s. The Whig parliamentarians of the 1830s, certainly damningly at the time, labelled all of these towns ‘rotten boroughs’.

Table 2.8 Towns that formed trusts – disenfranchised boroughs in 1832

- | | |
|--------------------------|--------------------------------|
| 1. Camelford (Cornwall) | 5. Ilchester (Somerset) |
| 2. Corfe Castle (Dorset) | 6. Orford (Suffolk) |
| 3. Dunwich (Suffolk) | 7. Wootton Bassett (Wiltshire) |
| 4. East Looe (Cornwall) | 8. Yarmouth (Isle of Wight) |

In addition to the complete disenfranchisement aspect, the Reform Act also deprived thirty parliamentary boroughs (with populations of roughly 2,000 - 4,000) of one of their two MPs. Included on this list were the two towns of Midhurst and Westbury, both mentioned earlier in this chapter. They only narrowly escaped losing their parliamentary mandate altogether. At the final bill stage before the 1832 Reform Act they came sixtieth and sixty-third respectively on the list of the boroughs that were potentially to be condemned. That schedule was cut, it was argued somewhat arbitrarily in Parliament, at number fifty-six.⁷⁹ The corporations of these two boroughs also survived to form town trusts later, Westbury in 1888 and Midhurst in 1910. In the 1830s, they too came very close to having the label of ‘rotten borough’ attached to the names of their towns.

In Wales, affected less than England by the 1832 statute, seven of the twelve borough constituencies were grouped together to vote for a single seat both before and after the Reform Act. They had been so structured since 1728.

Table 2.9 Welsh main boroughs and out-boroughs [o-bs]

Main Borough (County)	Out-Boroughs
1. Beaumaris (Anglesey)	
2. Brecon (Breconshire)	
3. Caernarvon (Caernarvonshire)	Conway, Criccieth, Nefyn *, Pwllheli.
4. Cardiff (Glamorganshire)	Aberavon, Cowbridge, Kenfig *, Llantrisant *, Loughor *, Neath, Swansea.
5. Cardigan (Cardiganshire)	Aberystwyth, Adpar, Lampeter.
6. Carmarthen (Carmarthenshire)	
7. Denbigh (Denbighshire)	Holt *, Ruthin.
8. Flint (Flintshire)	Caergwrle, Caerwys, Overton, Rhuddlan.
9. Haverfordwest (Pembrokeshire)	
10. Montgomery (Montgomeryshire)	
11. Pembroke (Pembrokeshire)	Tenby, Wiston
12. New Radnor * (Radnorshire)	Cefnlllys, Cnwclas, Knighton, Rhayader.

* Denotes that this borough formed a town trust.

⁷⁹ Fisher, *III, Constituencies, Part 2*, 115-6, 218.



Illustration 9: The shield and proclamation on the wall of Town Hall at New Radnor, Powys. Photograph by the author, October 2013.

The Cardiff boroughs constituency included the seven out-boroughs of Aberavon, Cowbridge, Kenfig, Llantrisant, Loughor, Neath and Swansea. Three of the corporations in these towns formed town trusts in the late nineteenth century - Kenfig, Llantrisant and Loughor. The corporations in two other Welsh out-boroughs, Holt (Wrexham) and Nefyn (Gwynedd) also founded trusts in the wake of the 1883 MCA. The other Welsh town that formed a trust was New Radnor, which in the nineteenth century was the county town of the smallest of the Welsh counties, Radnorshire, and as such, it had four out-boroughs of its own before the Reform Act and five afterwards.⁸⁰

Table 2.10 Towns that formed trusts – Welsh parl’ y boroughs and out-boroughs

1. Holt (Wrexham) [Denbigh o-b]	4. Loughor (Swansea) [Cardiff o-b]
2. Kenfig (Bridgend) [Cardiff o-b]	5. Nefyn (Gwynedd) [Caernarvon o-b]
3. Llantrisant (Rhondda Cynon Taff) [Cardiff o-b]	6. New Radnor (Powys) [Main borough]

The Reform Act of 1832, therefore, featured sixteen of the thirty-seven boroughs that formed town trusts. The legislation disenfranchised eight of them completely, reduced two more from two MPs to one and six others remained as parliamentary boroughs post 1832, albeit that five of them were the out-boroughs of larger and more important Welsh towns.

The 141 parliamentary seat vacancies caused by disenfranchisement were filled by twenty-two large conurbations gaining two seats and nineteen smaller towns obtaining the

⁸⁰ The out-boroughs of New Radnor prior to 1832 were Cefnlllys, Knighton, Knucklas and Rhayader. Another was added through this piece of legislation, that of Presteigne.

right to elect one MP. The balance of representation followed the distribution of population northwards. Cornwall lost thirty borough seats, Wiltshire eighteen, Sussex fourteen, Hampshire and the Isle of Wight ten and Devon eight. The industrial areas of south Lancashire and south Yorkshire, both previously completely lacking in borough representation, gained thirteen and ten seats respectively.⁸¹ Scotland received eight new seats, Ireland five and the remaining sixty-five went to counties that had either been previously unrepresented entirely, or to others where they were split into two divisions.⁸²

Table 2.11 The changed composition of the House of Commons, 1832

England-parliamentary seats	Pre-1832	Post-1832	Change
Counties	82	144	+62
Boroughs	403	323	-80
University	4	4	-
Total	489	471	-18
Wales-parliamentary seats			
Counties	12	15	+3
Boroughs	12	14	+2
University	-	-	-
Total	24	29	+5
Scotland-parliamentary seats			
Counties	30	30	-
Burghs	15	23	+8
University	-	-	-
Total	45	53	+8
Ireland-parliamentary seats			
Counties	64	64	-
Boroughs	35	39	+4
University	1	2	+1
Total	100	105	+5
Grand Total	658	658	-

The 1832 Reform Act was the start of the reforming process that led to the formation of the town trusts that are the focus of this thesis sixty years later. The statute was not, however, intended at the time to be the start of a movement towards 'democracy' or 'manhood suffrage'.⁸³

The Whig reformers comprised the most aristocratic cabinet for over a century (only four of them sat in the House of Commons and of those four Palmerston was an Irish peer

⁸¹ See Appendix 2, also Boyd Hilton, *op cit.*, 424.

⁸² Representation of the People Act, 1832 [2, Wm IV, c. 45].

⁸³ See Glossary of Terms p. 238 below.

and Graham a baronet) did intend make significant changes.⁸⁴ Their interest in the reform question was not sudden, opportunistic or tactical but genuine and long-standing, dating back to the 1770s.⁸⁵ They did not, however, intend a root and branch review. They attempted to preserve a balance between rural and urban interests in order to pacify the House of Lords; of the redistributed seats in England and Wales, sixty-four went to boroughs and sixty-five to counties where the gentry influence was strongest. In addition, boundary changes and the new borough seats also removed many radical urban voters from the solidly Tory counties, and this further strengthened the landed position.⁸⁶

The noblemen who drafted the 1832 Reform Act had no intention of undermining the power of their own class or the relationship to property on which it depended. They were for change, but only in order to preserve the constitutional status quo. They were essentially pragmatic in understanding that industrialisation and urbanisation had created important new social interests (a rich middle class) and in foreseeing that these interests would have to be incorporated into the political system sooner or later.⁸⁷

Their fear was that if these new interests were not incorporated peacefully, they were powerful enough to seek to achieve their aims through revolution.⁸⁸ It was clear to some of the more prescient radicals, such as Henry Hetherington, that the proposed reforms would not meet working-class demands. His assessment was sharp. The Whigs, he argued, knew:

That the old system could not last and desiring to establish another as like it as possible, and also to keep their places, they framed a bill, in the hope of drawing to the feudal aristocracy and the yeomen of the counties a large reinforcement of the middle class from the boroughs. The Bill was, in effect, an invitation to the shopocrats of the enfranchised towns to join the Whigocrats of the country in keeping down the people, and thereby quell the rising spirit of democracy in England.⁸⁹

However, the details of the Reform Act were not imposed on the localities by leading politicians; this was a time when the concept of laissez-faire ruled relationships between Downing Street and those in charge in the provinces. The differences between the first reform bill and the final statute were profound, especially in terms of the alterations made to redistribution schedules and the balance struck between the continuation of old franchises and the creation of new ones. This was an issue that produced a lively and constructive dialogue between centre and locality that could be best conceptualised as

⁸⁴ Alexander Llewellyn, *The Decade of Reform – The 1830s* (Newton Abbot, 1972), 38.

⁸⁵ Smith, *op cit.*, 160.

⁸⁶ Clark, *op cit.*, 549-50.

⁸⁷ Hilton, *op cit.*, 434.

⁸⁸ David Marquand, *Britain since 1918, the Strange Case of British Democracy* (London, 2008), 23.

⁸⁹ Hall, *op cit.*, 158.

consultation, rather than a deceit instigated from the centre, or concessions issued under pressure from Westminster.⁹⁰

The 1832 Reform Act was far more important for what it indicated (albeit with hindsight) than for what it did. The gentry were the real gainers, at least in the short term; close to 80 per cent of MPs still had landed backgrounds after 1832 and they maintained their dominance of the Commons until the election of 1874.⁹¹

Electors were still vulnerable to bribery and other forms of corruption as their votes were not cast in secret and deference to those in authority clearly remained in place. Pocket boroughs, effectively in the control of one patron, therefore still existed. Neither did the post-1832 distribution of parliamentary seats look fair through a set of twenty-first century eyes: the Devon borough of Totnes, with only 217 voters returned two MPs as did Liverpool with more than 11,000 on the electoral role.⁹²

The Reform Act did not extend the franchise by much. In 1831, slightly more than 460,000 adult males had the right to vote in England and Wales; a year later the figure stood at just over 660,000, a seemingly large increase of 43 per cent.⁹³ The increased number of voters though, represented fewer than one in five of the adult male population.⁹⁴ In broad terms, after 1832 an elector in the counties had to be a forty shilling freeholder or pay rent of more than £50 per annum: in the boroughs he had to be a £10 householder (the occupier of a property with a yearly rental value of at least £10) provided he paid rates.⁹⁵

This latter qualification criterion did not produce a uniform increase in voters across all borough constituencies. Whilst some individuals did gain the vote, the majority did not and a minority lost theirs. The 200 potwallopers of the trust town of Ilchester, together with fifteen of the seventeen 'insetter' freemen of Dunwich (only two of this borough's former resident electors owned their own homes) lost the right to vote completely in 1832.⁹⁶ Henceforward these men could not even register to become an elector for their county seat. The Reform Act was more about a re-shaping of oligarchies rather than an intended move towards democratic representation.⁹⁷ However, by establishing the principle of parliamentary reform, the framers of the 1832 statute had inadvertently started

⁹⁰ Fisher, *I*, *Introductory Survey, Appendices*, 410-1.

⁹¹ Michael Smith, *op cit.*, 168-9.

In 1874, 209 MPs had landed backgrounds and by 1880 this number had shrunk to 125. The gentry were being replaced by those from professional, commercial and industrial backgrounds. 314 MPs came from this category in 1874 and by 1880 this total had grown to 426.

⁹² Fisher, *II*, *Constituencies, Part I*, 303, 592.

⁹³ Fisher, *I*, *Introductory Survey, Appendices*, 91, 411.

⁹⁴ Smith, *op cit.*, 161.

⁹⁵ Matthew Roberts, *Political Movements in Urban England* (Basingstoke, 2009), 17.

⁹⁶ Pickard, *op cit.*, 125.

⁹⁷ Hoppen, *op cit.*, 54.

a process of widening the franchise that would continue throughout the remainder of the nineteenth century.⁹⁸

2.5 The 1835 Municipal Corporations Act

One of the indirect consequences of the 1832 Reform Act was to whet the appetite for the reform of local government.⁹⁹ For political radicals, it logically followed that those who had gained the right to vote for an MP should have the same right to elect their local representatives. Voters, they claimed, were more qualified to have an opinion on local issues that affected them directly than they were on national issues, such as foreign policy.¹⁰⁰ Such feelings largely sprang from radical objections to the existence of the municipal corporations as they were then constituted. Sidney and Beatrice Webb expressed these feelings as follows:

The very existence of Close Corporations, 'self-creative and self-existing', but nevertheless exercising powers over citizens, was a direct challenge to the Democratic faith ... By their very nature the non-elective Municipal Corporations were in the same political category as Hereditary Monarchy, the House of Lords, the Established Church, a Restricted Suffrage and Life Office.¹⁰¹

The aims of the local government reformers of 1835 did not include 'democracy' or 'manhood suffrage' as we understand it today.¹⁰² Their programme was threefold: a widespread but not universal suffrage, sufficient to break the power of the oligarchs but restrictive enough to withhold power from the mob; equality of suffrage for those within the privileged circle of the enfranchised; and a delegatory rather than parliamentary system of representation. They also wanted their local government to be local.¹⁰³

Apprehension over municipal reform was felt most acutely by the right-wing ultras amongst the Tories, for whom the corporations were one of the bulwarks of the old order and a reassuring symbol of its survival against radicalism. Lord Lyndhurst, who led the opposition against municipal reform in the House of Lords, saw the corporations, the Church and the hereditary peerage as, 'barriers between the throne on one side and the Democracy on the other – a check to the arbitrary power of the Prerogative and a check to the licence of Democracy'.¹⁰⁴

Just as the 1832 Reform Act had been politically motivated at a national level – it aimed to reduce the parliamentary influence of the Tories by abolishing many of the pocket

⁹⁸ Hugh Williams, *Fifty Things You Need to Know About British History* (London, 2008), 297.

⁹⁹ Matthew Roberts, *op cit.*, 20.

¹⁰⁰ Fraser, *Power and Authority*, 149.

¹⁰¹ Sidney and Beatrice Webb, *op cit.*, 702-3.

¹⁰² See Glossary of Terms p. 237, below.

¹⁰³ Oliver MacDonagh, *Early Victorian Government, 1830-1870* (London, 1977), 122.

¹⁰⁴ Finlayson, *op cit.*, 675-6.

boroughs dominated by landlords – so were the proposals for municipal reform that followed soon afterwards designed to weaken Tory parliamentary representation. The English and Welsh boroughs still supplied 337 MPs in 1835 and many of them were the seats of Tories. It was argued that a Whig dominated corporation would be unlikely to endorse a Tory candidate standing for Parliament. ‘This is a Whig measure - Whig in principle, Whig in its character, and Whig in its object,’ complained Lord Lyndhurst in the House of Lords about the party political partisanship of the bill.¹⁰⁵ From the outset, therefore, municipal reform at the local level was closely related to wider, and national, party political fortunes.¹⁰⁶

The reform of Parliament in 1832 had, in essence, left the many corrupt and mismanaged ancient municipal corporations with little means of defence. Their right to administer their municipalities and their title to the land and property they owned was legal, but they could not expect mercy from a Whig ministry that had already shown itself prepared to abolish the legal right to parliamentary seats in many of the small boroughs.¹⁰⁷

In spite of strong opposition in the Lords, but with the support of Robert Peel, the Tory Prime Minister in the Commons, the 1835 MCA went on to the statute book only three years after the Reform Act. This legislation replaced the old municipal corporations with more representative town councils that had the power to levy local rates unlimited in amount.¹⁰⁸ The monies so raised had to be paid into a single fund and used only for the benefit of the inhabitants.¹⁰⁹ The Act required annual elections for councillor positions (with one third of each council standing down each year) and the creation of electoral registers.¹¹⁰ It also emphasised the independence of these local representatives from central government control.¹¹¹

Instead of the £10 property standard adopted by the 1832 Reform Act, the voters who were enfranchised at borough level qualified by being those men who ‘had paid rates on a house, warehouse, counting house or shop for three years and who were in residence in the borough or within seven miles of it’.¹¹² Towns with more than 6,000 inhabitants were divided into wards, with each ward returning councillors in separate annual elections. In addition to this elective element, 25 per cent of each council was to be composed of aldermen, elected by the rest of the council, who were to serve for six years. This ensured that it would usually take several years before a tide of popular opinion decisively altered a

¹⁰⁵ Fraser, *Power and Authority*, 14.

¹⁰⁶ Finlayson, *op cit.*, 692.

¹⁰⁷ Woodward, *op cit.*, 460.

¹⁰⁸ Webb, *op cit.*, 754.

¹⁰⁹ Richards, *op cit.*, 16.

¹¹⁰ Smith, *op cit.*, 162.

¹¹¹ Richards, *op cit.*, 17.

¹¹² Municipal Corporations Act, 1835 [5 & 6, Wm IV, c. 76].

council's political balance.¹¹³ A fit person was to be elected every year by each council as mayor.¹¹⁴ All council debates had to be open to members of the public if they wished to attend and all corporation accounts had to be professionally and independently audited.¹¹⁵

The Whig reformers had no vision of broad municipal functions for these newly created bodies, but they were extremely worried about the problems of public order. Judicial functions and public order, the questions of magistrates and police, were the limits of the Whig horizon for the new borough functions.¹¹⁶ Nor was the statute intended to introduce a uniform local government system across all towns. The 1835 Act created only 178 newly reformed borough charters in England and Wales.¹¹⁷ These included the Dorset town of Blandford Forum and Llandovery, in South Wales, each of which had a population of fewer than 2,000 and no parliamentary representation,¹¹⁸ as compared to Bristol and Leeds, each of which was a major conurbation of more than 50,000 inhabitants and returned two MPs.¹¹⁹

Inclusion on the reforming schedule depended entirely on an accident of history, whether or not the town had been declared incorporated in the past. Noticeable absentees included what were then the fast-growing industrial conurbations of Birmingham, Manchester and Sheffield.¹²⁰ Nor did the statute refer to the remaining 106 municipal corporations that had been examined by the 1833-35 Royal Commissioners. This group, which comprised the corporations in the smallest towns, were regarded as unimportant and allowed to continue to exist in an unreformed state.¹²¹

The first elections were held in the reformed municipalities during December 1835 and resulted in an overwhelming triumph for the reforming Whigs, who dominated most of the newly elected town councils.¹²² Sidney and Beatrice Webb summarised this change as follows:

Vital as it was, the Reform Act failed to come so closely home to the privileged class as did the Municipal Corporations Act, for while the former affected them chiefly as citizens of the state, the latter struck at once and completely at their local predominance, their social superiority, their personal authority and their long-established power of dealing with pleasure with the rates and the property of towns governed either by self-elected bodies or narrowly restricted franchises.¹²³

¹¹³ G.R. Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 126.

¹¹⁴ Chester, *op cit.*, 329.

¹¹⁵ Fraser, *Power and Authority*, 11.

¹¹⁶ *Ibid.*

¹¹⁷ See Appendix 1.

¹¹⁸ Asa Briggs, *Victorian Cities* (London, 1963), 331.

¹¹⁹ Corfield, *op cit.*, 15.

¹²⁰ Nor did it include London; the reform of local government in the capital was not completed until 1900. Benjamin Weinstein, *Liberalism and Local Government in Early Victorian London* (Woodbridge, 2011), 2.

¹²¹ Reader, *op cit.*, 81.

¹²² G. Kitson Clark, *The Making of Victorian England* (London, 1962), 161.

¹²³ Sidney and Beatrice Webb, *op cit.*, 749-50.

In the immediate aftermath of the 1835 Act, although not everywhere, it is a fair generalisation to state that it was the newly rich bourgeoisie, Whig or radical in outlook, who had previously been deemed unworthy of the local vote, that were established in power in many of the newly reformed boroughs. It was the successful middle-class shopkeeper or merchant, the factory, mine, or mill owner who was prosperous enough to be able to devote time to local governance during the working day that replaced the unelected representatives of the old Tory oligarchies.¹²⁴

However, over time the statute did little damage to the Tory Party's local electoral prospects. One reason was that, contrary to what most historians have assumed, the new municipal franchise was actually narrower than that enacted for the parliamentary boroughs in 1832; in some towns the municipal franchise represented only 65 per cent of those entitled to vote at national elections.¹²⁵ This was partly because the local franchise was limited by a stipulation that voters must have resided and paid rates for at least three years, whereas only one year was requisite in the case of the national franchise. It was also partly due to the fact that parish overseers excluded the cottages of the poor from their rate books. This meant that most of the poor were not registered as rate payers and were, therefore, denied the vote in local elections.¹²⁶

Although the Whigs and their supporters swept the board in the first municipal elections, this may have had less to do with the political affiliations of the majority of the electorate than with a natural desire for change on the part of first-time voters.¹²⁷ This would also explain why the Tories did best in the few places (such as Bristol and Nottingham) where the Whigs had been in control of the old corporations.¹²⁸ In many towns the Tory fight back started in 1836, since one-third of all councillors had to be re-elected annually, and their efforts registered in 1839 when they regained twenty-four councils from the Whigs.¹²⁹

However, progress towards uniform change could not be included in the achievements of local government reformers of the first half of the nineteenth century. At the mid-century mark, the most striking features of local government were how much of the old order had survived and how negative and sterilising such changes as were made had proved. Amaturism and autonomy were still the leading principals. The joint result of

¹²⁴ Hoppen, *op cit.* 54.

¹²⁵ Salmon, *Electoral Reform at Work*, 218-9.

¹²⁶ Keith-Lucas, *English Local Government in the Nineteenth and Twentieth Centuries*, 13.

¹²⁷ Boyd Hilton, *op cit.*, 499.

¹²⁸ Keith-Lucas, *English Local Government Franchise*, 57-8.

¹²⁹ Philip Salmon, 'Local Politics and Partisanship: The Electoral Impact of Municipal Reform, 1835', *Parliamentary History*, 19 (2000), 370-1.

eighteenth-century survivals and early Whig reforms was an utter medley of local authorities; school boards, highway boards, burial boards, poor law unions, justices of the peace and improvement commissions overlapped with borough, parish and vestry.¹³⁰

At national level the statute did not lead to a Tory electoral decline either. In the two decades from 1832 to 1852, there were five general elections and the Tory Party, re-named (the) Conservatives in 1834-5 by Robert Peel, won two of them. Although the Whigs/Liberals were in power for thirteen of those years, Conservative administrations accounted for the other seven; they were in office at the end of this period after winning the 1852 election and they were to stay in government until 1855. Ironically, their national revival centred on the enlarged number of safe Tory county seats that had been created by the Whigs under the 1832 Reform Act.¹³¹

Sidney and Beatrice Webb claimed that the 1835 Act represented a revolution in the municipal system.¹³² However, this view has since been much challenged for four reasons. This is first because there is now acceptance by most historians that there was no system of local government in place at all prior to 1835, merely a mosaic of very different types of institutions.¹³³ Second, it is due to the fact that the Act did not apply everywhere, it only affected 178 towns; the statute had no immediate impact on unincorporated towns or on the 106 unreformed corporations that were left undisturbed. Third, the Act did not abolish local boards or Improvement Commissions, leaving them to exist alongside the new councils. Finally, there was no clear legal description for corporation activity or function laid down in 1835.

Important as the general act was, far more municipal progress was made by towns exploiting the traditional system of private bill legislation, whereby councils sponsored their own acts containing specific powers for their own boroughs. It was only slowly that each borough acquired wide-ranging municipal powers. The great turning point in the civic history of most towns was not 1835 nor the date of its incorporation, but the date of the first major local act granting extensive powers to the council.

The municipal revolution in Leeds stemmed not from 1835, but from 1842 when the city gained its powerful Improvement Act, by which the city's Improvement Commissions were amalgamated into the council. For Manchester the turning point was their 1844 Police Act and for Liverpool their 1846 Sanitary Act.¹³⁴ Hence, whilst it would be wrong to say that 1835 established an elected form of urban government, it did designate the conditions by

¹³⁰ MacDonagh, *op cit.*, 129-30.

¹³¹ Boyd Hilton, *op cit.*, 436.

¹³² Sidney and Beatrice Webb, *op cit.*, 693-748, Chapter XI title, 'The Municipal Revolution'.

¹³³ Keith-Lucas, *Unreformed Local Government System*, 15.

¹³⁴ Fraser, *Power and Authority*, 164-5.

which such a system of local government could be created in the future.¹³⁵ However, it needed many more reforms later in that century before it could be claimed that it developed into anything like that which an inhabitant of the twenty-first century would call uniform and democratically representative local government.¹³⁶

2.6 Tranches of borough reform, 1835-67

The expansion of municipal borough reform created the steps that led to the formation the town trusts in the 1880s and 90s and are therefore an essential part of this thesis. There were five tranches of borough reform after the 1835 MCA and prior to the Reform Act of 1867:

1. Boroughs that *were* investigated by the 1833-35 Royal Commissioners because they *did have* municipal status and *were* reformed under the 1835 MCA.
2. Boroughs that *were not* investigated by the 1833-35 Commissioners because they *did not have* municipal status but *had* gained parliamentary representation in 1832.
3. Boroughs that *were not* investigated by the 1833-35 Commissioners because they *did not have* municipal status and *had not* gained parliamentary representation in 1832.
4. Boroughs that *were* investigated by the 1833-35 Commissioners because they *did have* municipal status but *were not* reformed under the 1835 Corporations Act.
5. Boroughs that *were not* investigated by the 1833-35 Commissioners but *did have* municipal status and subsequently *volunteered* to become reformed.

Although 178 boroughs that formed the first tranche were immediately reformed, the 1835 MCA did not grant automatic incorporation to any other towns, even though twenty-three of them had gained parliamentary representation three years earlier.¹³⁷

If the government ministers viewed the absence of municipal government in towns such as Birmingham, Manchester and Sheffield as a pressing evil, they sought to remedy that evil in a round about way. The procedure for extending the 1835 Municipal Corporations Act to unincorporated towns left such initiatives entirely in local hands.¹³⁸

The legislation merely gave these new parliamentary boroughs permission to petition the government to grant them a municipal charter. It was these towns that led the way in the second tranche of municipal incorporation. Eighteen of the first twenty-two charters were issued to towns with new parliamentary seats granted under the 1832 Reform Act.¹³⁹

¹³⁵ *Ibid.*, 150.

¹³⁶ S.J. Lee, *Aspects of British Political History, 1815-1914* (London, 1994), 71.

¹³⁷ See Appendix 3.

¹³⁸ Fraser, *Municipal Reform and the Industrial City*, 6.

¹³⁹ See Appendix 3.

It was to these unincorporated conurbations that the anti-reform Conservatives turned their attention.¹⁴⁰

It was their opposition in these towns (and an unlikely local alliance with radicals who believed in a universal male franchise and that the 1835 Act had not gone far enough) that resulted in the slowness with which the unincorporated towns took advantage of the 1835 statute. The Conservatives and their allies challenged the legality of the charters issued to the unincorporated towns in the courts. Manchester's charter hinged on *Rutter v. Chapman* (1838) and on the outcome of this case also hung the charters for Birmingham and Bolton. Only nine towns petitioned for a charter before 1840 and only another five in the five years following. Of these first fourteen petitions, one was withdrawn and another seven were turned down.¹⁴¹ Only six towns obtained their municipal charters before 1845 - Birmingham, Bolton, Devonport, Manchester, Salford and Sheffield.¹⁴²

It was not until the late 1840s, more than a decade after the Act was passed, that the pace of the second tranche of municipal incorporation picked up.¹⁴³ The end of the Conservative opposition was hastened by the passing of the 1842 Borough Charters Confirmation Act which not only prevented further challenges to borough charters being made in the courts but also provided compensation for those who sustained financial loss as a result of loss of office due to reformed incorporation.¹⁴⁴ Given the ending of the Conservative opposition, there were perceived advantages that could be gained from incorporation; otherwise no town would have petitioned for a charter. It was attractive to town governors as a way of escaping the jurisdiction of the county police. It also conferred the right to appoint magistrates, so increasing a borough's control over nuisance regulations.¹⁴⁵

However, there were also problems that had to be overcome before incorporation could take place. The prospect of replacing narrowly elected or unelected corporations with semi-democratic councils had to be balanced against the fact that these councils would not supersede, but merely take their place alongside, the already existing myriad of local government boards and improvement commissions, with the result that the cost of local government to the ratepayer was likely to rise.¹⁴⁶ This did not encourage inhabitants to add their signatures to incorporation petitions. As promoters had to be certain that the number

¹⁴⁰ Nicholas Edsall, 'Varieties of Radicalism: Attwood, Cobden and the Local Politics of Municipal Incorporation', *The Historical Journal*, Vol. 16, No. 1 (March, 1973), 93.

¹⁴¹ Edsall, *op cit.*, 93-4.

¹⁴² See Appendix 3 which shows the dates of incorporation of these towns.

¹⁴³ Edsall, *op cit.*, 93-4.

¹⁴⁴ Borough Charters' Confirmation Act, 1842 [5 & 6, Vict., c. 111].

¹⁴⁵ J. Garrard, *Leadership and Power in Victorian Industrial Towns, 1830-1880* (Manchester, 1983), 154.

¹⁴⁶ Edsall, *op cit.*, 93.

of signatures in support exceeded those contained in any opposition petition, the likelihood of a rise in the rates often acted as a disincentive to incorporation.

There was also the question of the start-up cost of incorporation which had to be met by the individual promoters of the initiative. Although the substantial legal costs involved were reduced by the 1847 Clauses Act, which allowed use of the clauses contained in the successful local acts of the pioneering towns to be copied in their entirety, the overall cost of incorporation was still considerable.¹⁴⁷ It was not until 1877 that the Municipal Corporations (New Charters) Act was passed, allowing the costs of incorporation to be met out of the rates. As late as 1861, big towns like Bury (Lancashire) with a population of 87,565, Birkenhead (Wirral, pop. 41,649) and Chatham (Kent, pop. 36,177) had still not got around to incorporating themselves under a statute that had been passed a quarter of a century earlier.¹⁴⁸

A third tranche of municipal incorporations also occurred because of the 1835 Act. As stated earlier, the wording of the statute had permitted unnamed towns to seek to become reformed boroughs by petitioning to obtain a charter. The towns with new parliamentary seats were followed by others that had also never been incorporated before and similarly had also not been investigated by the 1833-35 Royal Commissioners. This group forming the third tranche, though, had not gained parliamentary representation through the 1832 Reform Act.

Inspired by the success of the pioneers in tranche two, it became customary for an unincorporated town's prominent inhabitants to set up a committee to inquire into the benefits of incorporation that existed in their neighbouring conurbations. The reports were almost always favourable and a belief developed that incorporation commanded more respect for a town's governors, both from within and without the borough boundary.¹⁴⁹ By the end of 1867, fourteen towns in tranche three, mostly in the industrial Midlands and the north of England, had successfully petitioned for a charter - Hanley and Middlesbrough being typical examples.

The Royal Commissioners of 1833-35 investigated 284 corporations and forced the reform of 178 of them. Of the remaining 106, only five of these ancient but unreformed boroughs successfully applied for a municipal charter under the 1835 Act before 1867 – Aberavon (Neath), Ashton-under-Lyne (Tameside), Hartlepool (Hartlepool), Hedon (East Riding of Yorkshire) and Yeovil (Somerset). These formed a fourth tranche in the development of the municipal borough.

¹⁴⁷ E.P. Hennock, *Fit and Proper Persons: Ideal and Reality in Nineteenth-Century Urban Government* (London, 1973), 5.

¹⁴⁸ Hoppen, *op cit.*, 108.

¹⁴⁹ Garrard, *op cit.*, 154. This author was writing about the incorporation of Rochdale in 1856.

Twelve ancient incorporated boroughs escaped the attention of the 1833-35 commissioners. But only one such town, Honiton (Devon), volunteered to sacrifice its ancient charter to become a reformed borough before 1867. For the time being, Honiton alone formed the fifth tranche of municipal development prior to the second Reform Act.¹⁵⁰

Table 2.12 Tranches of borough reform, 1835-67

1.	a) Boroughs that <i>were</i> investigated by the 1833-35 Royal Commissioners b) because they <i>did have</i> municipal status c) and <i>were</i> reformed under the 1835 MCA..	178
2.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) because they <i>did not have</i> municipal status c) but <i>had</i> gained parliamentary representation in 1832.	18
3.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) because they <i>did not have</i> municipal status c) and <i>had not</i> gained parliamentary representation in 1832.	14
4.	a) Boroughs that <i>were</i> investigated by the 1833-35 Commissioners b) because they <i>did have</i> municipal status c) but <i>were not</i> reformed under the 1835 Corporations Act.	5
5.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) but <i>did have</i> municipal status c) and subsequently <i>volunteered</i> to become reformed.	1
	Total	216

To sum up, in addition to the 178 towns that gained borough status under the 1835 Act, during the thirty years from 1837 to 1867, thirty-eight more towns were successful in obtaining a government charter of incorporation. The total number of reformed boroughs, at the time of Lord Derby and Disraeli's expansion of the national franchise, stood at 216.

2.7 The continued expansion of borough reform 1867-82

Throughout the nineteenth century, there was a movement of people from the countryside to the town; from the counties into the boroughs. In 1801, only 18 per cent of the population of England and Wales lived in towns of more than 20,000 inhabitants; by 1861 that figure had risen to 47 per cent.¹⁵¹ There was also a significant expansion of the municipal electorate during the 1850s due to the introduction of the Small Tenements Rating Act (1850), which permitted the local enfranchisement of occupiers who did not pay their rates in person, but through their landlords.¹⁵² By the mid-1860s, the population shift from rural to urban and the expansion of the municipal franchise had brought further pressure for parliamentary reform.

¹⁵⁰ See Appendix 3.

¹⁵¹ Vision of Britain, 1861 census, towns, 22 March, 2011, www.visionofbritain.org.uk

¹⁵² Matthew Roberts, *op cit.*, 20.

This radical pressure was mainly law abiding, confining itself to demands for constitutional reform. The extremist winds of the 1830s and 40s Chartist movement had blown themselves out by the 1850s. The force and appeal of radicalism in the 1850s and 60s stemmed from the wide popularity of parliamentary institutions and a deeply held national belief that a reformed system of representation could curb any lingering excesses of 'Old Corruption' – a metaphor for eighteenth-century political oppression associated with heavy taxation, fiscal abuse, sinecures and monopolies.¹⁵³ The debates of the time were around the issues of who was deemed worthy of the vote; of enfranchising 'the respectable working man' and how he was to be distinguished from 'the unrespectable working man'.¹⁵⁴

The Second Reform Act of 1867 increased the number of national level voters from one million to two million. Whereas one in five adult males possessed the franchise beforehand, by 1868 that had become more than four in ten. Like its predecessor in 1832, this Act had the overtones of national party politics. It was passed by a minority Conservative administration that was only in power because the Liberals had been split asunder by their own Reform Bill proposals the previous year.

It was conceived to improve the electoral prospects of the Conservatives. Since 1846, the Conservatives had only been able to form minority governments and they knew that they would be turned out from office again as soon as the Liberals managed to reunite themselves. The initiator of the 1867 Reform Act was Lord Derby, the Prime Minister, acting with his main instigator in the House of Commons, Chancellor of the Exchequer, Benjamin Disraeli. To this duo, the prospect of enhancing their own electoral prospects of power by carrying through a major reform over the heads of Liberal opponents, who were expected to squabble amongst themselves, was too tempting an opportunity to ignore.¹⁵⁵

Party-political negotiations over the bill resulted in three-quarters of the newly enfranchised voters coming from the boroughs where an important democratic principle for the future was established – 'male household suffrage on a one-year residence qualification'. In 1867, all male ratepayers in the boroughs (including 'compounders' who paid their rates through their landlords) received the vote. However, this was only in the boroughs, not in the counties. Although the standard historical interpretation of the Second Reform Act is that of being the harbinger of mass representative politics, it could be seen as a significant step backwards from a uniform national electoral structure.¹⁵⁶

¹⁵³ Miles Taylor, *The Decline of British Radicalism, 1847-60* (Oxford, 1995), 337.

¹⁵⁴ Keith McClelland, 'England's greatness, the working man', in Hall, C., McClelland, K., and Rendall, J., *Defining the Victorian Nation. Class, Race, Gender and the Reform Act of 1867* (Cambridge, 2000), 72.

¹⁵⁵ Ian Machin, *The Rise of Democracy in Britain, 1830-1918* (Basingstoke, 2001), 61-2.

¹⁵⁶ Matthew Roberts, *op cit.*, 164.

Between 1861 and 1871, the percentage of adult males on the electoral register rose from 16.9 to 23.8 in the counties but in the boroughs it rocketed from 19.7 to no less than 44.7. The gap between the counties and the boroughs was wide: artisans could vote in the borough of Warrington but not in nearby St Helens which was in the county of Lancashire. Miners could vote if they lived in the borough of Morpeth but not in the surrounding county of Northumberland.¹⁵⁷ Bemused Conservative MPs found themselves responsible for a reforming statute that went much further than anything that the Liberals had dared to try to introduce. Prominent Robert Cecil, the future Conservative Prime Minister of the 1880s and 90s as Lord Salisbury, and two of his cabinet colleagues, Lord Carnarvon and General Jonathan Peel, resigned over the perceived duplicity of Lord Derby and Disraeli. Cecil described the passage of the bill as, 'a political betrayal that has no parallel in our annals'.¹⁵⁸

After the act had been passed, its first result was a Liberal landslide victory at the polls in December 1868, ushering in the six years of Gladstone's first administration (1868-74).¹⁵⁹ The Act could be seen as a most unintended advancement of democracy.¹⁶⁰ Many conservative contemporaries found themselves completely at a loss to explain what had happened or why it had happened.¹⁶¹ Hurd and Young have described Disraeli's way of leading his Conservatives colleagues in the Commons as a 'moonlight steeplechase - in negotiating their fences, few of them knew where they were going, nor cared, so long as they got there first'.¹⁶²

The changes to the electoral system agreed in 1867 were modest; only fifty-two seats were redistributed as compared with 141 in 1832.¹⁶³ Seven English seats were made available through the disenfranchisement of the corrupt boroughs of Great Yarmouth, Lancaster, Reigate and Totnes; seven more were taken from boroughs with a population of fewer than 10,000 and thirty-eight boroughs with populations between 10,000 and 50,000 came down from two MPs to one.

Disraeli's reforming strategy was clear – to retain as best he could those aspects of the electoral system that had traditionally supported the Conservative Party. He had simply written off the boroughs as strongholds of Liberalism where it would do no harm to expand the electorate; the counties, however, needed his protection. Of the fifty-two seats up for redistribution, twenty-five went to the English counties; seven to Scotland; one to London University; eleven English towns (including two London boroughs) obtained the right to

¹⁵⁷ Hoppen, *op cit.*, 253-9.

¹⁵⁸ Andrew Roberts, *Salisbury, Victorian Titan* (London, 1999), 94-5.

¹⁵⁹ John Wilson, *C.B. A Life of Sir Henry Campbell-Bannerman* (London, 1973), 30.

¹⁶⁰ Jonathan Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (Yale, 1993), 216-7.

¹⁶¹ L.C.D. Seaman, *Victorian England, Aspects of English and Imperial History, 1837-1901* (London, 1973), 155.

¹⁶² Douglas Hurd and Edward Young, *Disraeli or The Two Lives* (London, 2014), 210.

¹⁶³ Donald Read, *The Age of Urban Democracy, England, 1868-1914* (Harlow, 1994), 146.

elect a member for the first time and a further six larger conurbations (five in England and one in Wales) gained an extra MP.¹⁶⁴

Table 2.13 The changed composition of the House of Commons, 1867

England-parliamentary seats	Pre-1867	Post-1867	Change
Counties	144	169	+25
Boroughs	323	289	-34
University	4	5	+1
Total	471	463	-8
Wales-parliamentary seats			
Counties	15	15	-
Boroughs	14	15	+1
University	-	-	-
Total	29	30	+1
Scotland-parliamentary seats			
Counties	30	32	+2
Burghs	23	26	+3
University	-	2	+2
Total	53	60	+7
Ireland-parliamentary seats			
Counties	64	64	-
Boroughs	39	39	-
University	2	2	-
Total	105	105	-
Grand Total	658	658	-

Unlike the 1832 Reform Act, the individual towns that formed trusts later in the century were not directly affected by the 1867 statute. However, this legislation did stimulate the further democratisation of the boroughs and it is important because it led directly to the challenge to the continuing existence of the unreformed corporations from which the town trusts were formed. Following the 1832 pattern, after an expansion of the national franchise, attention turned towards better representation at local level.

Rural, and predominantly Conservative, opposition in the House of Lords prevented the reform of county and parish governance until 1888 and 1894 respectively.¹⁶⁵ These two reform initiatives had to wait for the third impetus that was needed to reinforce the case for

¹⁶⁴ Representation of the People Act, 1867 [30 & 31, Vict., c. 102]. Representation of the People Act (Scotland), 1868 [31 & 32, Vict., c.48]. See Appendix 4.

¹⁶⁵ Roy Jenkins, *Sir Charles Dilke, A Victorian Tragedy* (London, 1958), 173.

This biography is sub-titled a tragedy because Dilke's promising political career was cut short by him being named as the correspondent in a divorce case in 1886.

widening local representation further. That was provided by the Gladstone-led 1884 Reform Act which increased the national franchise to more than five million, and after which more than 60 per cent of adult males were entitled to vote.¹⁶⁶ Significantly for the counties, the post 1884 voters included agricultural workers. Put simply, 1884 did for the rural labourer what 1867 had done for the urban artisan.¹⁶⁷ It also spelled the death of the small parliamentary borough.¹⁶⁸ (Across the UK, including Northern and Southern Ireland, 105 small boroughs with populations of fewer than 15,000 inhabitants were abolished by the 1885 Redistribution of Seats Act.)¹⁶⁹

Within the urban boroughs of the late 1860s and 70s there were no barriers to widening the local franchise. Between 1868 and 1882, the second tranche of borough reform, that included unincorporated towns that had gained parliamentary seats in 1832, rose from nineteen to its full complement of twenty-three. The third tranche, which embraced towns that had also never been incorporated, but included those that had *not* been granted parliamentary representation in 1832, rose from fourteen to thirty-four, with Barnsley and Jarrow being typical examples of industrial expansion in mining and shipbuilding respectively and the holiday town of Blackpool reflecting the growth of a leisure industry.

The fourth tranche of towns that had been investigated by the 1833-35 Royal Commissioners but had not been granted reformed status, did not rise further, remaining at five in total. Two more towns, Lewes and Peterborough, were added to Honiton in the fifth tranche. These three represented the only towns that had escaped investigation by the 1833-35 Royal Commissioners and yet had volunteered to sacrifice their ancient charter for incorporation under the 1835 Act.¹⁷⁰ These five tranches made the total number of reformed boroughs 242 by the beginning of 1882 and twenty-six more towns had received reforming charters since the Derby/Disraeli Reform Act. The totals of the five tranches of borough reform are shown overleaf:

Table 2.14 Tranches of borough reform, 1835-82

1.	a) Boroughs that <i>were</i> investigated by the 1833-35 Royal Commissioners b) because they <i>did have</i> municipal status c) and <i>were</i> reformed under the 1835 MCA.	178
2.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) because they <i>did not have</i> municipal status c) but <i>had</i> gained parliamentary representation in 1832.	23

¹⁶⁶ Eugenio F. Biagini, *Liberty, Retrenchment and Reform, Popular Liberalism in the Age of Gladstone, 1860-1880* (Cambridge, 1992), 425.

¹⁶⁷ Matthew Roberts, *op cit.*, 25.

¹⁶⁸ Jonathan Parry, *op cit.*, 285.

¹⁶⁹ See Appendix 5.

¹⁷⁰ See Appendix 3.

3.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) because they <i>did not have</i> municipal status c) and <i>had not</i> gained parliamentary representation in 1832.	34
4.	a) Boroughs that <i>were</i> investigated by the 1833-35 Commissioners b) because they <i>did have</i> municipal status c) but <i>were not</i> reformed under the 1835 Corporations Act.	5
5.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) but <i>did have</i> municipal status c) and subsequently <i>volunteered</i> to become reformed.	3
	Total	242

Further democratic breakthroughs for the boroughs came with the widening of the municipal franchise in 1869 to include unmarried women who were the head of their household and the Parliamentary and Municipal Registration Act of 1878. This permitted the enfranchisement of adult males who occupied a single room in a multi-occupied house providing it was self contained. This converted many of those who had been classified as 'lodgers' beforehand into 'householders' who qualified to vote. The twin factors of the growth in the number of boroughs and the 1869 and 1878 extensions of the franchise explain why the borough electorate grew by some 40 per cent between the Second and Third Reform Acts.¹⁷¹

2.8 The last rump of unreformed corporations

In the mid 1870s, there was also nothing to prevent parliamentary consideration focusing on the rump of unreformed borough corporations that had been left behind by the 1835 MCA. Sir Charles Dilke led the way on 28 May 1875, in rising to call attention to certain boroughs which were not incorporated and to move a resolution for a list of the municipal corporations to be supplied to the House of Commons. Using examples from the three boroughs of New Romney and Queenborough (both in Kent) and Woodstock (Oxfordshire), Dilke concluded:

All of these unreformed boroughs have the same general features. A very small number of persons, who are self-elected, let the town lands to themselves at ridiculously low rents and sell the town's property with no account. In most of them, those persons or their nominees exercise criminal jurisdiction over other persons who have nothing whatever to do with their election.¹⁷²

The resolution was carried and a schedule of the unreformed corporations was duly produced to parliamentary members.

Sir Charles Wentworth Dilke, Bart., (1843-1911), son of a father of the same name, was born in London and educated at Trinity Hall, Cambridge, where he achieved the triple

¹⁷¹ Matthew Roberts, *op cit.*, 22.

¹⁷² Parliamentary Papers, House of Commons, *Hansard*, 28 May 1875, 4 January 2012, www.parlipapers.chadwyck.co.uk

distinction of being the senior legalist in the law tripos, President of the Union and stroke of the boat that was head of the river.¹⁷³ Dilke was a radical politician who believed in state intervention to remedy the most pressing of the evils in society. This central creed included municipal government being uniform, democratic and free from corruption.¹⁷⁴ He received a deluge of letters from rate payers following his speech. Most of the correspondents believed that the corporation in the town in which they lived was the most inefficient and corrupt in the country.¹⁷⁵

On 29 February 1876, Dilke rose again to draw attention to the abuses of twenty-four of the ninety-seven unreformed bodies of which he was then aware. It was a long speech but his treatment of corporation abuses kept the House in almost continuous laughter.¹⁷⁶ The following is a typical example:

These are the facts about Fordwich [Corporation, in Kent]. The charter, which is lost, was granted by Edward the Confessor and renewed by Henry II. The corporation consists of six persons, only one of whom is resident. Any friend of the six, by paying £10, may become a seventh and consequently an ex-officio justice of the peace. These persons hold sessions at which they try criminal offences and they licence public houses. No accounts have been published, but they have lands and a right to charge tolls and a trading tax. These six self-elected persons also levy a rate. They have sold land, and the way in which the proceeds were disposed of is unknown. The Rector writes, 'during the twenty-four years that I have lived in this parish, I have never known the corporation expend a single shilling for the benefit of the borough. The official meetings are held at a public house where rowdies collect to drink at the expense of the corporation'.

One case, Corfe Castle (Dorset), Dilke regarded as a 'gem':

Its corporation consists of only one member – the ubiquitous Mr John Johnson, grocer, draper and mayor – who must, I suppose, elect himself and again, I suppose as well, hold frequent meetings with himself, but I am not aware if he keeps minutes of what passes.

Yarmouth (Isle of Wight) was another of Dilke's targets:

At Yarmouth, a very large corporation property seems to have mysteriously disappeared. The accounts, which were reported by the Commissioners of 1835, as not ever having been published or audited, do not seem any better kept at the present time. The property of the corporation, according to their return which I am holding, is £30 per annum. It really amounts to £180 a year from one source alone to my knowledge – quayage dues. These are not only large but fast increasing. The corporation do, for the money they receive, absolutely nothing, except once a year, hoist a glove on a flag staff to protect their charter rights ... So little public spirit has this corporation that it insisted on a payment being made

¹⁷³ Cadbury Research Library, University of Birmingham, Joseph Chamberlain Collection, JC 25 2/8, Individuals with whom JC dealt.

¹⁷⁴ Jenkins, *Sir Charles Dilke*, 169.

¹⁷⁵ David Nicholls, *The Lost Prime Minister, A Life of Sir Charles Dilke* (London, 1995), 122.

¹⁷⁶ Jenkins, *Sir Charles Dilke*, 97.

by the residing barrister for sitting in the Town Hall to revise the county list, which led him to hold his sittings in an hotel.¹⁷⁷

Although some of his sallies were vigorously disputed afterwards by corporation members in the national and local press and by some MPs in the Commons,¹⁷⁸ Dilke had done enough to ensure that a Royal Commission was established in 1876 to inquire into and report on the status of the unreformed corporations. The paragraph below is part of the commissioners' final report and demonstrates that they investigated 110 unreformed corporations:

According to the Report presented in the year 1835 ... the total number of places into which the Inquiry was then made was 284 (excluding London). Upon all of these, with the exceptions of Corfe Castle and New Romney, which refused information, and Holt and Harlech, upon which no reports appear, special reports were made, which are printed in the appendix to that report. The Municipal Corporations Act passed that year dealt with 178 corporations only of those included in the above mentioned Inquiry. Of the remaining 106, five had been placed under the Municipal Acts at the time Your Majesty's Commission was issued. Thus 101 places into which inquiry had been made in 1835 were untouched by legislation at the date of this Commission. Nine others have been brought to our notice as being municipal bodies, giving 110 corporations (other than the City of London) not under the Municipal Acts.

In explanation of the latter part of the paragraph quoted above, the five towns that had been investigated by the Royal Commission of 1833-35 and had later volunteered to be reformed were mentioned earlier as part of tranche four - Aberavon, Ashton-under-Lyne, Hartlepool, Hedon and Yeovil. The nine other corporations that had been newly brought to the attention of the commissioners in 1876 were those of New Alresford, Bovey Tracey, Chipping Camden, Harton, Havering-atte-Bower, Midhurst, Tavistock, Winchcombe and Wokingham. Of these nine towns, only the corporation of Wokingham (Berkshire) was reformed by the 1883 Act. The rest were abolished with six of the eight forming town trusts.

Table 2.15 Towns that formed trusts – new to the investigating commissioners in 1876

- | | |
|---------------------------------------|---------------------------------|
| 1. New Alresford (Hampshire) | 4. Harton (Devon) |
| 2. Bovey Tracey (Devon) | 5. Midhurst (West Sussex) |
| 3. Chipping Campden (Gloucestershire) | 6. Winchcombe (Gloucestershire) |

The origins of the governance of Midhurst and New Alresford have been referred to earlier in this chapter. Although New Alresford's parliamentary borough status ended in the mid-fourteenth century, its right to incorporation was reconfirmed by a charter issued by

¹⁷⁷ All three examples quoted are taken from Parliamentary Papers, House of Commons, *Hansard*, 29 February 1876, 4 January 1912, www.parlipapers.chadwyck.co.uk

¹⁷⁸ A.G. Cole, *Yarmouth, Isle of Wight, Some Records of an Ancient Town* (Newport, [IOW], 1946), 16.

the Bishop of Winchester in 1572.¹⁷⁹ Chipping Campden and Harton had been incorporated in the past by royal charters that had not specified any parliamentary representation, whereas Bovey Tracey and Winchcombe had been incorporated by self-prescription.¹⁸⁰

Two years after the commissioners had made their recommendations the 1882 MCA was put on the statute book. This was fundamentally a consolidation act that repealed the 1835 statute and all of the parts of other acts relating to borough corporations that had been passed in the intervening forty-seven years. A total of forty-three pieces of legislation (or parts thereof) were repealed and consolidated. These included parts of the Charitable Trusts Act of 1853, the 1868 Borough Electors Act, the Ballot Act of 1872 and the 1874 Working Men's Dwellings Act.

This piece of legislation was, however, also indicative of the end of the Victorian laissez-faire attitude to municipal reform. The 1882 statute was directive, requiring all existing and aspiring boroughs to meet its representative standards. Inter alia, the changes the statute demanded included a public announcement of the date for future local elections, the appointment of a returning officer and the enfranchisement of all ratepayers and property owners, including unmarried women.¹⁸¹

However, aspiring boroughs still had to apply for a government charter in order to be granted municipal status, so the initiative to do so was still in local hands. This did not prevent a rapid increase in the number of reformed boroughs. There were 288 reformed municipal boroughs in 1888 when the first county councils were created and 313 at the beginning of the twentieth century.¹⁸² Helped by the pressure that resulted from the widening of the franchise by the Third Reform Act of 1884, seventy-one reforming borough incorporations took place in the eighteen years after 1882 compared to sixty-four in the previous forty-seven years.

Table 2.16 Tranches of borough reform, 1835-99

1.	a) Boroughs that <i>were</i> investigated by the 1833-35 Royal Commissioners b) because they <i>did have</i> municipal status c) and <i>were</i> reformed under the 1835 MCA.	178
2.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) because they <i>did not have</i> municipal status c) but <i>had</i> gained parliamentary representation in 1832.	23
3.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) because they <i>did not have</i> municipal status c) and <i>had not</i> gained parliamentary representation in 1832.	34

¹⁷⁹ HAMRO, 7M50/A4, New Alresford Borough: English translation of charter dated 10 December 1572.

¹⁸⁰ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880, v. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011, www.parlipapers.chadwyck.co.uk

¹⁸¹ P.J. Waller, *Town, City and Nation, England, 1850-1914* (Oxford, 1983), 246.

¹⁸² Searle, *op cit.*, 125.

4.	a) Boroughs that <i>were</i> investigated by the 1833-35 Commissioners b) because they <i>did have</i> municipal status c) but <i>were not</i> reformed under the 1835 Corporations Act.	5
5.	a) Boroughs that <i>were not</i> investigated by the 1833-35 Commissioners b) but <i>did have</i> municipal status c) and subsequently <i>volunteered</i> to become reformed.	3
6.	Boroughs that were reformed by the 1883 MCA.	28
7.	Boroughs that gained municipal borough status, 1886-99.	43
	Total	313

For the corporations that had been identified by the 1880 Royal Commissioners report as not matching the requirements to become a borough, and given the end of parliament's laissez-faire attitude to local governance, there was to be no reprieve under the 1882 Act which reconfirmed the minimum borough population at 3,000 inhabitants. The following paragraph is part of the commissioners' final report:

With regard to the remaining boroughs with which we have had to deal, it appears to us that by reason of the smallness of their populations and corporate property, and the nature of the duties now performed by these corporations, it is not expedient that those bodies should retain municipal functions, or magisterial powers (including those of a coroner) exercised by their members or persons elected or appointed by them.¹⁸³

The corporations that were scheduled for abolition were included in a local government bill when it was first introduced to the House of Lords by Lord Rosebery on 4 May 1882.¹⁸⁴ The bill passed the Lords but was withdrawn from the 1882 schedule of the Commons, in face of some opposition but mainly due to the time pressures produced by competing legislation. A year later, Sir Charles Dilke had the satisfaction of completing what he had started eight years earlier. In December 1882, he was elevated to Gladstone's cabinet with responsibility for the central Local Government Board.¹⁸⁵ He re-introduced his 'Unreformed Corporations Bill' to the Commons and guided it through its committee stages. After its third reading this bill, viewed as ruthless by some corporation members and MPs because there was so little local consultation, became the 1883 MCA on 29 June.¹⁸⁶ Such was his influence throughout its passage this piece of legislation could have been labelled 'The Dilke Act'.¹⁸⁷

¹⁸³ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880, v. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011, www.parlipapers.chadwyck.co.uk

¹⁸⁴ Parliamentary Papers, House of Lords, *Hansard*, 4 May 1882, 6 January 2012, www.parlipapers.chadwyck.co.uk. A list of the seventy-six corporations involved is shown in Appendix 5.

¹⁸⁵ Jenkins, *Sir Charles Dilke*, 131.

¹⁸⁶ GLOSRO/D553/B48, Wotton-under-Edge Town Trust, Notes of the protest meeting held at the Westminster Palace Hotel on 13 June 1882.

¹⁸⁷ For more details on this process, see pp. 143-50 below.

In order to allow enquiries to be made into some of the borough boundaries concerned and to give time for charters to be awarded to the bodies that were recommended for reform, the deadline for the abolition of the unreformed corporations was set for three years later, on or before 29 September 1886.¹⁸⁸ Subsequently, members of thirty-seven of these seventy-six abolished corporations assisted in the negotiations to transfer their borough rights and assets into charitable town trusts, the majority of which were founded between 1888 and 1891.

The names of the trusts and the fate of those towns that had been, or still were, parliamentary boroughs (PB) and the origins of those that were not; ‘non-parliamentary municipal borough’ (NPMB,) are shown in tabular form below.

Table 2.17 Towns that formed trusts - their origins of governance

No.	Name of Town (current County/Admin Area)	Fate of PB or origins of NPMB
1	New Alresford (Hampshire)	PB lapsed prior to 1832.
2	Axbridge (Somerset)	PB lapsed prior to 1832
3	Berkeley (Gloucestershire)	NPMB by prescription
4	Bovey Tracey (Devon)	NPMB by prescription
5	Brading (Isle of Wight)	NPMB by Royal Charter
6	Bradinch (Devon)	PB lapsed prior to 1832
7	Camelford (Cornwall)	PB disenfranchised 1832
8	Chipping Campden (Gloucestershire)	NPMB by Royal Charter
9	Chipping Sodbury (South Gloucestershire)	NPMB by Royal Charter/prescription
10	Clun (Shropshire)	NPMB by baronial charter
11	Corfe Castle (Dorset)	PB disenfranchised 1832
12	Dunwich (Suffolk)	PB disenfranchised 1832
13	Dursley (Gloucestershire)	NPMB by prescription
14	East Looe (Cornwall)	PB disenfranchised 1832
15	Fordwich (Kent)	NPMB by prescription
16	Garstang (Lancashire)	NPMB by Royal Charter
17	Harton (Devon)	NPMB by Royal Charter
18	Holt (Wrexham)	PB post 1832 (out-borough)
19	Ilchester (Somerset)	PB disenfranchised 1832
20	Kenfig (Bridgend)	PB post 1832 (out-borough)
21	Cilgerran (Pembrokeshire)	NPMB by prescription
22	Langport (Somerset)	PB lapsed prior to 1832
23	Llantrisant (Rhondda Cynon Taff)	PB post 1832 (out-borough)
24	Loughor (Swansea)	PB post 1832 (out-borough)
25	Marazion (Cornwall)	NPMB by Royal Charter
26	Midhurst (West Sussex)	PB post 1832 (one seat)
27	Nefyn (Gwynedd)	PB post 1832 (out-borough)
28	Orford (Suffolk)	PB disenfranchised 1832
29	Pevensey (East Sussex)	NPMB by prescription
30	New Radnor (Powys)	PB post 1832 (out-borough)
31	St Clears (Carmarthenshire)	NPMB by prescription
32	Thornbury (South Gloucestershire)	NPMB by prescription
33	Westbury (Wiltshire)	PB post 1832 (one seat)
34	Winchcombe (Gloucestershire)	NPMB by prescription
35	Wootton Bassett (Wiltshire)	PB disenfranchised 1832
36	Wotton-under-Edge (Gloucestershire)	NPMB by prescription
37	Yarmouth (Isle of Wight)	PB disenfranchised 1832

Note: All of the unexpired parliamentary boroughs (PBs) were originally incorporated by a royal charter.

¹⁸⁸ Parliamentary Papers, House of Commons, *Hansard*, 30 April 1883, 4 January 2012, www.parlipapers.chadwyck.co.uk

The trusts in these thirty-seven towns became the only surviving descendants of the unelected corporations that had governed English and Welsh boroughs, in some cases since the Normans were on the throne. Although small in population in the 1880s, in previous centuries twenty of these towns had been deemed important enough to have become parliamentary boroughs, with the right to send two MPs to sit in the House of Commons. Four of the twenty had failed to maintain that status up to 1832 but in sixteen of them this right extended well into the nineteenth century and in some cases beyond.

Eight of the English towns that formed trusts were disenfranchised as ‘rotten boroughs’ in 1832. Two more continued their parliamentary representation after this Reform Act, but with one MP rather than the two to which they had been entitled beforehand. Five Welsh nineteenth-century out-boroughs also went on to form town trusts, together with one main Welsh borough (New Radnor). Of the other seventeen towns that formed trusts, six had possessed royal charters and one a baronial charter that were ‘municipal but not parliamentary’. The remaining ten boroughs had been incorporated by self-prescription and based their claims to nineteenth-century municipal status on custom and long usage.

Table 2.18 Towns that formed trusts – loss of parliamentary borough (PB) status.

No	Name of Town (current County/Admin Area)	Date PB status abolished
1	Holt (Wrexham) [Denbigh out-borough]	1918
2	Kenfig (Bridgend) [Swansea out-borough]	1918
3	Llantrisant (Rhondda Cynon Taff) [Cardiff out-borough]	1918
4	Loughor (Swansea) [Swansea out-borough]	1918
5	Midhurst (West Sussex)	1885
6	Nefyn (Gwynedd) [Carnarvon out-borough]	1918
7	New Radnor (Powys) [Radnor out-borough]	1885
8	Westbury (Wiltshire)	1885

In amongst the towns that formed trusts there were eight parliamentary boroughs that had survived both the 1832 and 1867 Reform Acts. These are shown in the table above. They all eventually lost their right to representation at Westminster. For three of them, this occurred in 1885 before their town trusts were founded, through the Redistribution of Seats Act that followed the 1884 reforming statute. The remaining five were abolished by the boundary change alterations that were implemented after the further extension of the parliamentary franchise in 1918. They were comfortably outlived by all of the thirty-seven town trusts that had been created in the wake of the 1883 MCA.

2.9 Conclusions

The thirty-seven trust towns represented 12.5 per cent of the boroughs that had been incorporated in previous centuries. Although no one knew how many there were in the late

1820s, there eventually turned out to be 296 of these municipalities. There were the 284 investigated by the Royal Commissioners of 1833-35, the three towns (Honiton, Lewes and Peterborough) that were omitted from their investigation but volunteered for reform and another nine that were identified by the Royal Commissioners of 1876-80.

By 1886, of these 296 corporations, 213 had been reformed, seventy-six had been abolished and four were left only with the position of an honorary mayor. In three other towns the unreformed corporations were allowed to continue to exist but were stripped of all municipal powers. It took legislation to bring all of this change about. 178 boroughs were statutorily reformed by the 1835 MCA and another twenty-eight by the 1883 MCA. Most ancient boroughs clung on to their civic identities until they were forced to change or relinquish them. Only eight of the 296 towns (less than 3 per cent of the total and comprising those in tranches four and five) voluntarily chose to sacrifice the powers that they had been bequeathed by previous generations.

There were 313 reformed boroughs at the end of the nineteenth century. 213 towns in this total had been governed by ancient corporations at some stage during the 1800s. The other 100 were completely new boroughs that had never been incorporated, either by charter or prescription, in previous centuries. This group of towns all successfully submitted petitions for reformed borough status in the period 1837-99.

The momentum for municipal reform in the 1830s emanated from industrialisation and urbanisation which resulted in a population shift from the countryside into the towns; from the counties into the boroughs. With this urban growth came the pressure for collective services, to provide at least the basic amenities for living in mass communities - fresh water, street cleaning, refuse clearance and sewage disposal. Although independent Improvement Commissions and Local Boards had been appointed in a minority of larger towns to handle some of these needs, almost all of the self-elected borough corporations that existed prior to 1835 were ill-equipped financially to deal with the provision of such services. Many of them also featured corruption and mismanagement of their assets.

The 1830s were years when the concept of laissez-faire dominated political thinking and the parliamentary temper was against interfering with the liberty of the governing classes at local level. The reforming Whigs, almost all of whom were aristocrats, thought of themselves as practical statesmen rather than theoreticians. They were tolerant of change rather than doctrinaire about it. Adaption of what was already in place, and making an accommodation only when it was essential to meet altered social circumstances, were the *modus operandi* of the reformers of the 1830s. The surprise is that they achieved as much as they did in municipal reform, albeit that they acted without any vision of what the role of local government could or should become.

Their first municipal reform was to deprive fifty-six small English boroughs of their parliamentary seats, and by so doing they removed the primary purpose of many of the corporations in the towns concerned. They also reduced thirty other boroughs from two seats to one. The vacant seats that these initiatives created were then redistributed to more populous towns and counties. This was all done under the 1832 Reform Act and (although completely unintentional at the time) it marked the start of the path that led towards improved representation at both national and local levels.

In addition, there are three other reasons why the 1832 statute was vital to the reform of local government. First, when the Whigs passed the 1835 MCA, they did so with the aim of protecting and enlarging the parliamentary gains they had made as a result of the Reform Act. They wanted to encourage the election of Whig dominated corporations because they believed that such municipalities would be unlikely to endorse a Tory MP. Without the Reform Act, therefore, the 1835 MCA might not have reached the statute book.

Second, the towns that had gained their new parliamentary seats in 1832 pioneered the process of incorporation for the unincorporated towns. Eighteen of the first twenty-two successful petitions for a reformed borough charter were made by such conurbations. Without the impetus of their new parliamentary representation, these pioneering towns might not have paved the way for those that followed and borough development might have stalled at the 1835 level.

Third and finally, it is significant that the pressure for reform in the urban boroughs started to intensify following the first expansion of the parliamentary franchise in 1832. As more people gained representation at national level, there arose a demand for greater influence over the collective services provided at local level and this resulted in the 1835 MCA. This pattern was repeated after the second Reform Act in 1867, after which twenty-six towns gained reformed charters and the 1869 and 1878 Parliamentary and Municipal Registration Acts caused the borough electorate to increase by more than 40 per cent between 1867 and 1883. It happened again after the third Reform Act, which was followed by the creation of representative county councils in 1888 and district and parish councils in 1894. The pressure for local government reform all emanated from the first Reform Act.

After the initial 1835 burst of 178, the number of reformed boroughs only slowly increased, reaching 216 in 1867, 242 by 1882 and 313 at the end of the century. This was because the initiative for borough incorporation was left entirely in local hands and due to the fact that incorporation involved substantial costs. This gradual process of reform ignored the towns where unrepresentative corporations still existed for more than forty years. It was not until 1876 that a Royal Commission started to investigate 110 such bodies and made recommendations to either reform or abolish these corporations.

The 1882 MCA, as well as being a consolidation statute, signalled the end of the laissez-faire state approach towards local government. Henceforward, all existing boroughs and those with aspirations to be so had to meet the representative standards laid down, or be stripped of their municipal status. Significantly, the ending of state laissez-faire preceded the enactment of the abolition aspect of the 1880 Royal Commissioners' Report. This was separately dealt with by the 1883 MCA, as dictated from Westminster and with virtually no local consultation.

This piece of legislation meant the end of their existence for the last seventy-six old-style unelected, or 'closed', corporations. They were summarily dissolved on or before 29 September 1886 and during the next five years the majority of the resultant town trusts, thirty-three of thirty-seven, were established as repositories for the rights and assets of the abolished corporations that had previously owned them. Again, it is significant that this occurred before the creation of the first district and parish councils under the 1894 Local Government Act.

CHAPTER THREE

THE REACH OF THE 1883 MUNICIPAL CORPORATIONS ACT

3.1 Introduction

This chapter seeks to achieve three objectives. The first is to outline the impact on all of the 110 boroughs that were affected by the 1883 Municipal Corporations Act (MCA). The second is to demonstrate that the Charity Commission was still using the same piece of legislation to make decisions about the ownership of public assets and the structure of town trusts many years after the statute had been enacted by Parliament – and it could be argued that they were still doing so in the twenty-first century. The third is to show that the majority of the town trusts that were established in the wake of the statute are still functioning today.

The government legislation website at present (2014) records the opinion that, ‘there are currently no known outstanding effects of the 1883 MCA’.¹ Undoubtedly this statement is intended to mean that all clauses of this statute have been eclipsed by later legislation. However, when taken literally, the sentence as written is patently untrue. Far from being over, the influence of this statute has already covered 130 years and it is very likely to continue for the foreseeable future.

The decisions that led to the foundation of the semi-representative town trusts were taken before democracy reached the parish level. In spite of the subsequent spread of democracy into all tiers of local government, most of these charities have survived as the semi-democratic owners of public assets and franchises, with associated unelected trustees, that used to be the property of the last rump of unreformed borough corporations that were abolished in 1886.

3.2 The differing impact of the 1883 statute on 110 ancient boroughs

The Royal Commissioners of 1876-80 investigated 110 unreformed borough corporations. An analysis of their recommendations and the fate of each borough after the 1883 MCA are shown overleaf.

¹ 1883 Municipal Corporations Act, 18 August 2012, www.legislation.gov.uk

Table 3.1 A summary of the 1880 Royal Commissioners report and the fate of the ancient corporations after the 1883 MCA. ²

No.	Town	Royal Commission recommendation/comment	Fate of the corporation under the 1883 Act
1	Aldeburgh	Reform	Reformed, 1885
2	Alnwick	Reform	Reformed by Local Act 1882
3	New Alresford	Abolish	Abolished, 1886 (Town Trust)
4	Altrincham	Non-municipal	Honorary mayor
5	Appleby	Reform	Reformed, 1885
6	Axbridge	Abolish	Abolished, 1886 (Town Trust)
7	Bala	Long extinct	Abolished, 1886
8	Bangor	Reform	Reformed, 1883
9	Berkeley	Abolish	Abolished, 1886 (Town Trust)
10	Bishops Castle	Reform	Reformed, 1885
11	Bossiney	Extinct since 1835	Abolished, 1886
12	Bovey Tracey	Abolish	Abolished, 1886 (Town Trust)
13	Brackley	Abolish	Reformed, 1886
14	Brading	Abolish	Abolished, 1886 (Town Trust)
15	Bradnoch	Reform	Abolished, 1886 (Town Trust)
16	Bridlington	Long extinct	Abolished, 1886
17	Burton upon Trent	Exempted from RC report	Reformed, 1878
18	Caergwrle	No function or revenue	Abolished, 1886
19	Caerwys	Abolish	Abolished, 1886
20	Camelford	Abolish	Abolished, 1886
21	Castle Rising	Extinct since 1835	Abolished, 1886
22	Chipping Campden	Abolish	Abolished, 1886 (Town Trust)
23	Chipping Sodbury	Abolish	Abolished, 1886 (Town Trust)
24	Christchurch	Reform	Reformed, 1886
25	Clun	Abolish	Abolished, 1886 (Town Trust)
26	Conwy	Exempted from RC report	Reformed, 1885
27	Corfe Castle	Abolish	Abolished, 1886 (Town Trust)
28	Cowbridge	Abolish	Abolished, 1886 (Charter)
29	Criccieth	Long extinct	Abolished, 1886 (LGB)
30	Crickhowell	Long extinct	Abolished, 1886
31	Dinas Mawddwy	No function or revenue	Abolished, 1886
32	Dunwich	Abolish	Abolished, 1886 (Town Trust)
33	Dursley	Abolish	Abolished, 1886 (Town Trust)
34	East Looe	Abolish	Abolished, 1886 (Town Trust)
35	Farnham	Long extinct	Abolished, 1886
36	Fishguard	Long extinct	Abolished, 1886
37	Fordwich	Abolish	Abolished, 1886 (Town Trust)
38	Fowey	Long extinct	Abolished, 1886
39	Garstang	Abolish	Abolished, 1886 (Town Trust)
40	Grampound	Long extinct	Abolished, 1886
41	Great Dunmow	Abolish	Abolished, 1886 (LGB)
42	Harlech	Long extinct	Abolished, 1886
43	Harton	Abolish	Abolished, 1886 (Town Trust)
44	Hay	Long extinct	Abolished, 1886
45	Havering-atte-Bower	Abolish	Abolished, 1886 (County)
46	Henley-on-Thames	Reform	Reformed, 1883
47	Higham Ferris	Abolish	Reformed, 1886
48	Holt	Abolish	Abolished, 1886 (Town Trust)
49	Ilchester	Abolish	Abolished, 1886 (Town Trust)
50	Kenfig	Abolish	Abolished, 1886 (Town Trust)
51	Kidwelly	Reform	Reformed, 1885
52	Cilgerran	Abolish	Abolished, 1886 (Town Trust)

² Sources for the compilation of the table:

1. Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 11 October 2011, www.parlipapers.chadwyck.co.uk
2. Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

The impact of the 1883 Municipal Corporations Act

No.	Town	Royal Commission recommendation/comment	Fate of the corporation under the 1883 Act
53	Lampeter	Abolish	Reformed, 1884
54	Langport	Abolish	Abolished, 1886 (Town Trust)
55	Laugharne	Abolish	Continue with no powers
56	Lewes	Abolish	Reformed, 1881
57	Llanelli	Abolish	Abolished, 1886 (LGB)
58	Llanfyllin	Reform	Reformed, 1885
59	Llantrisant	Abolish	Abolished, 1886 (Town Trust)
60	Lostwithiel	Reform	Reformed, 1885
61	Loughor	Abolish	Abolished, 1886 (Town Trust)
62	Lydd	Reform	Reformed, 1885
63	Machynlleth	Long extinct	Abolished, 1886
64	Malmesbury	Reform	Reformed, 1886
65	Marazion	Abolish	Abolished, 1886 (Town Trust)
66	Midhurst	Abolish	Abolished, 1886 (Town Trust)
67	Montgomery	Reform	Reformed, 1885
68	Nefyn	Abolish	Abolished, 1886 (Town Trust)
69	New Romney	Reform	Reformed, 1885
70	Newborough	Long extinct	Abolished, 1886
71	Newport [Telf'd & W]	Abolish	Abolished, 1886 (LGB)
72	Newport [Pembroke]	Non-municipal	Honorary mayor
73	Newton	Long extinct	Abolished, 1886
74	Newtown	Extinct since 1835	Abolished, 1886
75	Okehampton	Reform	Reformed, 1885
76	Orford	Abolish	Abolished, 1886 (Town Trust)
77	Over	Non-municipal	Honorary mayor
78	Overton	Abolish	Abolished, 1886
79	Petersfield	No function or revenue	Abolished, 1886
80	Pewsey	Abolish	Abolished, 1886 (Town Trust)
81	Plymton Earle	Extinct since 1835	Abolished, 1886
82	Presteigne	Long extinct	Abolished, 1886
83	Rhuddlan	Extinct since 1835	Abolished, 1886
84	Queenborough	Reform	Reformed, 1885
85	New Radnor	Reform	Abolished, 1886 (Town Trust)
86	Romney Marsh	Non-municipal	Honorary mayor
87	Ruyton	Long extinct	Abolished, 1886
88	St Clears	Abolish	Abolished, 1886 (Town Trust)
89	St Davids	Long extinct	Abolished, 1886
90	Saltash	Reform	Reformed, 1885
91	Seaford	Abolish	Abolished, 1886 (LGB)
92	Sutton Coldfield	Reform	Reformed, 1885
93	Tavistock	Long extinct	Abolished, 1886
94	Thornbury	Abolish	Abolished, 1886 (Town Trust)
95	Tregony	Extinct since 1835	Abolished, 1886
96	Usk	Abolish	Abolished, 1886 (LGB)
97	Wareham	Reform	Reformed, 1886
98	Weobley	Long extinct	Abolished, 1886
99	Westbury	Abolish	Abolished, 1886 (Town Trust)
100	West Looe	Abolish	Abolished, 1886
101	Wickwar	No function or revenue	Abolished, 1886
102	Wilton	Reform	Reformed, 1885
103	Winchcombe	Abolish	Abolished, 1886 (Town Trust)
104	Winchelsea	Abolish	Continue with no powers
105	Wiston	Long extinct	Abolished, 1886
106	Wokingham	Reform	Reformed, 1883
107	Woodstock	Reform	Reformed, 1883
108	Wootton Bassett	Reform	Abolished, 1886 (Town Trust)
109	Wotton-under-Edge	Abolish	Abolished, 1886 (Town Trust)
110	Yarmouth [IOW]	Abolish	Abolished, 1886 (Town Trust)

Of the total of 110 corporations investigated by the Royal Commission, two towns (Burton upon Trent and Conwy) had plans for municipalisation before the commissioners

reported in 1880 and were therefore excluded from their comments. One (Lewes in 1881) received a reforming charter after the commissioners' report but before the 1883 Act was passed. Another (Alnwick in 1882) was the subject of a reforming local parliamentary act. Twenty-four more towns received reformed charters after the statute became law and before the deadline of 29 September 1886 that had been imposed by the legislators. A total of twenty-eight boroughs (25 per cent of the total of 110) therefore attained reformed status and received their charters before or during 1886.

Table 3.2 Corporations reformed by the 1883 MCA.

Reformed Borough (County/Admin area)	Reformed Borough (County/Admin area)
1. Aldeburgh (Suffolk)	15. Llanfyllin (Powys)
2. Alnwick (Northumberland)	16. Lostwithiel (Cornwall)
3. Appleby (Cumbria)	17. Lydd (Kent)
4. Bangor (Gwynedd)	18. Malmesbury (Wiltshire)
5. Bishops Castle (Shropshire)	19. Montgomery (Powys)
6. Brackley (Northamptonshire)	20. New Romney (Kent)
7. Burton upon Trent (Staffordshire)	21. Okehampton (Devon)
8. Christchurch (Dorset)	22. Queenborough (Kent)
9. Conwy (Conwy)	23. Saltash (Cornwall)
10. Henley-on-Thames (Oxfordshire)	24. Sutton Coldfield (Birmingham)
11. Higham Ferris (Northamptonshire)	25. Wareham (Dorset)
12. Kidwelly (Carmarthenshire)	26. Wilton (Wiltshire)
13. Lampeter (Ceredigion)	27. Wokingham (Berkshire)
14. Lewes (East Sussex)	28. Woodstock (Oxfordshire)

The old corporations of Laugharne (Carmarthenshire), Malmesbury (Wiltshire) and Winchelsea (East Sussex), were allowed to continue to exist but were stripped of all of their municipal powers. Laugharne and Malmesbury survived due to the fact that they owned large tracts of land that were let to residents and their landlord responsibilities needed to be continued. Winchelsea Corporation continued for reasons of tradition because it was a Head Port of the medieval Cinque Ports Confederation.³

This meant that there were two corporations in Malmesbury in 1886, the ancient and unreformed body that owned the corporation lands that had been stripped of all municipal powers and the newly reformed council that had been issued a reformed charter. This remains the situation today.

Table 3.3 Corporations allowed to remain in existence but stripped of municipal powers

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Laugharne (Carmarthenshire)	3. Winchelsea (East Sussex)
2. Malmesbury (Wiltshire) ⁴	

³ See pp. 23-4 above.

⁴ Note that Malmesbury (Wiltshire) appears in table 4.2 (number 18) as well as in table 4.3 (number 2).

Of the remaining eighty boroughs, the 1883 Act allowed four more corporations, having been identified by the commissioners as *not* being municipal and having no revenue or functions, to continue to elect an ‘honorary’ mayor but that position was nominal and carried no municipal powers or duties.

Table 3.4 Non-municipal corporations allowed to retain the post of mayor

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Altrincham (Trafford)	3. Over (Cheshire)
2. Newport (Pembrokeshire)	4. Romney Marsh (Kent)

The remaining seventy-six corporations (71 per cent of the total of 110) were summarily abolished, on or before 29 September 1886, for the principal reason that they were deemed too small in population to be reformed. Of these seventy-six boroughs, eighteen had been recognised by the 1876-80 Royal Commissioners as being ‘long extinct’. This was a shorthand phrase which was defined in their report as meaning, ‘these corporations appeared never to have been municipal or have long since ceased to be such’. These bodies obviously possessed no assets or rights.

Table 3.5 Long extinct corporations

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Bala (Conwy)	10. Machynlleth (Powys)
2. Bridlington (North Yorkshire)	11. Newborough (Isle of Anglesey)
3. Crickhowell (Powys)	12. Newton (Lancashire)
4. Farnham (Surrey)	13. Presteigne (Powys)
5. Fishguard (Pembrokeshire)	14. Ruyton (Shropshire)
6. Fowey (Cornwall)	15. St Davids (Pembrokeshire)
7. Grampound (Cornwall)	16. Tavistock (Devon)
8. Harlech (Gwynedd)	17. Weobley (Herefordshire)
9. Hay (Herefordshire)	18. Wiston (Pembrokeshire)

Seven more corporations had been labelled ‘extinct since 1835’, which was defined as, ‘these bodies had become extinct since the report of the Royal Commissioners of 1833-35, appointing no officers and possessing no property’.

Table 3.6 Corporations that had become extinct since 1835

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Bossiney (Cornwall)	5. Plympton Earle (Devon)
2. Castle Rising (Norfolk)	6. Rhuddlan (Denbighshire)
3. Newtown (Isle of Wight)	7. Tregony (Cornwall)
4. Overton (Flintshire)	

Four more municipalities, although continuing to appoint corporation members and officials, were identified by the commissioners as ‘possessing no property and undertaking no municipal functions’.

Table 3.7 Corporations possessing no property and undertaking no functions

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Caergwrle (Flintshire)	3. Petersfield (Hampshire)
2. Dinas Mawddwy (Gwynedd)	4. Wickwar (South Gloucestershire)

Both Caergwrle and Petersfield were parliamentary boroughs when the 1883 statute was enacted; Petersfield had been reduced from two MPs to one by the 1832 Reform Act and Caergwrle was one of the Flint out-boroughs. Nevertheless, their unreformed corporations were abolished and were not replaced. Petersfield lost its parliamentary seat in 1885:

In 1885, by the Redistribution of Seats Act, the representation of the borough was merged with that of the County of Southampton and consequently the mayor, who had been the returning officer for the parliamentary borough, was deprived of his sole duty. Naturally the Court Leet was discontinued, the sole function of which was to elect the mayor and other officers, whose duties had long been merely nominal.⁵

Caergwrle's role as one of the out-boroughs of the county town of Flint lasted until the redistribution of parliamentary seats that followed the expansion of the national franchise in 1918.⁶

In West Looe, the last mayor, Nathaniel Hearne, had died in 1869, the corporation having ceased to function long beforehand. His death prompted the Duchy of Cornwall to take over the assets of the corporation. In 1874, the representatives of the Duchy transferred them to West Looe Town Trust.⁷ In the Flintshire town of Caerwys the corporation had become extinct at some stage between 1835 and 1870. A village hall had, however, been built in 1874 with funds raised by public subscription and the Caerwys Village Hall Trust was established by an indenture dated 19 December 1883.⁸

Table 3.8 Corporation assets that had been placed into town trusts before 1883

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Caerwys (Flintshire)	2. West Looe (Cornwall)

All of the thirty-one boroughs that feature in tables 3.5, 3.6, 3.7 and 3.8 necessitated no parliamentary action other than abolition.⁹ This, however, left a rump of forty-five other corporations, all of which possessed land, and/or property and/or trading rights. Of these

⁵ William Page, (ed.), *The Victoria History of the County of Hampshire and the Isle of Wight*, Vol.3, (London, 1908), 115.

⁶ Richard Cheffins, *Parliamentary Constituencies and their Registers since 1832* (London, 1998), 68.

⁷ John Keast, *A History of East and West Looe* (Chichester, 1987), 79. Also see p. 136 below.

⁸ Caerwys Public Hall Trust, copy of indenture dated 19 December 1883 received by email from Sandra Evans, Clerk to the Trust, 9 April 2013. Also see p. 138 below.

⁹ Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011, www.parlipapers.chadwyck.co.uk

forty-five boroughs, in only eight cases were the assets and rights of the abolished corporations to remain within the sphere of local government.

Table 3.9 Corporation assets that were destined to remain in local government¹⁰

Corporation (County/Admin area)	Corporation (County/Admin area)
1. Cowbridge (Vale of Glamorgan) [Reformed Charter]	5. Llanelli (Carmarthenshire) [LGB]
2. Criccieth (Gwynedd) [LGB]	6. Newport (Telford and Wrekin) [LGB]
3. Great Dunmow (Essex) [LGB]	7. Seaford (East Sussex) [LGB]
4. Havering-atte-Bower (Greater London) (County)	8. Usk (Gwent) [LGB]

The Charity Commission shepherded the assets and rights of all of the remaining thirty-seven ancient boroughs into charitable town trusts under the terms of Clause 8 (5) of the 1883 MCA.

After a scheme has been made under this Act providing for the application of any property the Charitable Trusts Acts, 1853 to 1869, shall apply in all respects as if the scheme were a scheme made in pursuance of those Acts, and the property shall for the purpose of those Acts be deemed the endowment of a Charity.¹¹

Table 3.10 Town trusts - foundation dates¹²

No.	Name of Town Trust	Foundation date
1	New Alresford Town Trust	28 March 1890
2	Axbridge Town Trust	10 May 1889
3	<i>Berkeley Town Hall</i>	28 September 1963
4	Bovey Tracey Town Trust	20 February 1891
5	The Brading Town Trust	13 May 1890
6	Bradinch Town Trust	5 March 1889
7	Camelford Town Trust	2 May 1890
8	Chipping Campden Town Trust	7 August 1889
9	<i>Chipping Sodbury Town Trust</i>	27 January 1899
10	<i>Clun Town Trust</i>	16 May 1924
11	Corfe Castle Town Trust	9 July 1889
12	Dunwich Town Trust	19 July 1889
13	Dursley Town Trust	30 April 1889
14	East Looe Town Trust	1890
15	Fordwich Town Trust	10 September 1888
16	Garstang Town Trust	11 January 1889
17	Harton Town Trust	12 August 1890
18	Holt Town Trust	3 April 1891
19	Ilchester Town Trust	13 September 1889
20	Kenfig Corporation Trust	9 September 1886
21	Cilgerran Town Trust	29 August 1890
22	Langport Town Trust	23 November 1888
23	Llantrisant Town Trust	17 December 1889
24	Loughor Town Trust	22 August 1890

¹⁰ See p. 141 below.

¹¹ Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

¹² Sources for the compilation of the table:

1. Charity Commission of England & Wales, Search for a Charity, Advanced Search, 3 February 2012, www.charity-commission.gov.uk
2. Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 3 February 2012, www.parlipapers.chadwyck.co.uk
3. Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].
4. The foundation dates have been extracted from town trust archives.

No.	Name of Town Trust	Foundation date
25	Marazion Town Trust	10 January 1890
26	<i>Midhurst Town Trust</i>	<i>4 February 1910</i>
27	Nefyn Town Trust	4 March 1890
28	Orford Town Trust	22 November 1889
29	Pevensey Town Trust	25 March 1890
30	New Radnor Town Trust	1890
31	St Clears Town Trust	10 December 1889
32	Thornbury Town Trust	31 January 1890
33	Westbury Town Trust	21 December 1888
34	Winchcombe Town Trust	20 February 1891
35	Wootton Bassett Town and Hall Trust	9 April 1889
36	Wotton-under-Edge Town Trust	7 February 1890
37	Yarmouth Town Trust	30 December 1890

The majority of the town trusts (thirty-two) were set up by new schemes of arrangement in the period 1888-91 and one (Kenfig) was created by the Central Local Government Board in 1886.¹³ However, as shown in italics in the table above, four of the trusts were founded considerably later using the same semi-representative structure that emerged from the activities of the Charity Commission after the 1883 Act.

3.3 Chipping Sodbury Town Trust

The first in this quartet of anomalies is Chipping Sodbury (South Gloucestershire), a twelfth-century market town with a population today of just over 5,000.¹⁴ Charities in this town have a long and complicated history. As an archivist at the Gloucestershire Record Office has concluded, 'These archives reflect confusion between manorial, borough, charity and parish administrations that will take a great deal of research to unravel'.

What is known is that a group of commissioners were appointed to investigate charities nationwide in England and Wales in the period 1819-37. The government was driven by an anxiety that many ancient charitable trusts were being abused.¹⁵ It is estimated that they reached Chipping Sodbury in 1834. In their 1837 report the commissioners recommended the separation of the charities relating to the church, the grammar school, the support for local apprentices, the town's lands and buildings and 'The Ridings'; 200 acres of grounds that had been bequeathed to the town's people for agriculture and grazing by the Lord of the Manor in medieval times.¹⁶

To leave 'The Common Ridings' to be maintained and improved exclusively out of their own proceeds, and of which proceeds, in future, the accounts are to be kept distinctly from every other description of town and charity property.¹⁷

¹³ See p. 30 above.

¹⁴ Sodbury Town Council, 23 August 2012, www.sodburytowncouncil.gov.uk. See pp. 27-8 above.

¹⁵ Richard Eggington, *Stratford's Reluctant Charities, the story of the Guild and College Estates* (Stratford upon Avon, 2013), 27.

¹⁶ GLOSRO, D 2071, Chipping Sodbury Town Trust, Archivist summary.

¹⁷ The Reports of the Commissioners to Enquire concerning Charities in England and Wales relating to the County of Gloucestershire, 1819-37 (London, 1890), 171-83.

The separation of the town's charities apparently happened; or at least it can be shown that it did in the case of 'The Ridings'. Chipping Sodbury Town Trust inherited the title to these grounds and this charitable organisation was registered with the Charity Commission when it first gained its regulatory powers in 1853.¹⁸

In 1833-5 the Royal Commissioners, who were appointed to investigate municipal corporations, noted of Chipping Sodbury, 'Nor has the corporation any property, except as they hold as trustees for eleemosynary purposes, of which a full account has been given recently to the commissioners appointed to enquire into charities'.¹⁹ The 1880 Royal Commission report into unreformed corporations recorded that the Chipping Sodbury Corporation was 'long extinct' and that the corporation attracted no revenues and owned no assets.²⁰ The ancient charities had apparently absorbed all of the public assets and rights in the town by 1880.

Because of a lack of records, it is not known why a new scheme of arrangement was applied to Chipping Sodbury Town Trust by the Charity Commission in 1899. The trustees could have made the approach or the commissioners could have imposed the changes on the basis of their experience in other towns. Whatever the reason, the trust structure that emerged was typical of others that had been developed out of the 1883 MCA. There were thirteen trustees, four of them labelled co-optative and the other nine representative. Of the nine representative trustees, six were nominated by the parish council, one by Gloucestershire County Council, one by the Royal Agricultural College at Cirencester because the lands were under agricultural cultivation, and another by the County Archaeological Society.²¹

Chipping Sodbury Town Trust still exists today with the trustees managing 'The Ridings'; grounds that are no longer devoted to agriculture. They are now home to most of the town's sports and outdoor recreational clubs. There is an eighteen-hole golf course, two cricket squares and pavilions, football and rugby pitches, all-weather tennis courts, a children's play area and a Millennium Garden which provides a quiet area for residents to sit

¹⁸ Chipping Sodbury Town Trust, scheme of arrangement dated 1959, held by David Shipp, current chair of CSTT, shown to the author on 23 August 2012.

¹⁹ Parliamentary Papers, House of Commons, Reports of Commissioners, 1835 [116], Royal Commission, 1833-1835. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 3 February 2012, www.parlipapers.chadwyck.co.uk

²⁰ Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 3 February 2012, www.parlipapers.chadwyck.co.uk

²¹ Chipping Sodbury Town Trust, scheme of arrangement dated 1959, held by David Shipp, current chair of CSTT, shown to the author on 23 August 2012.

and relax.²² These lands were (in 2012) awaiting valuation but were thought to be worth in excess of £350,000.²³

In addition to this charity, three others with long histories also continue to exist in the town, Chipping Sodbury Town Lands Charity, which owns inter alia both the Town Hall and the Old Grammar School which is used in part as a public library, an Endowed School Trust and a Church Lands Trust.²⁴ To this day (in 2014), the town council owns very few of the lands and buildings in the town that are dedicated for public use.²⁵ These properties are, therefore, all maintained and improved at no expense to the town's ratepayers.²⁶

3.4 Midhurst Town Trust

The second anomaly is the former borough of Midhurst (West Sussex), a market town sited within the rape of Chichester on the banks of the River Rother. Today (in 2014) the town is mainly dependent on tourism, with visitors being attracted by the Cowdray Park Estate which is internationally renowned for the polo competitions that take place within its grounds.²⁷

The trust at Midhurst was founded fully two decades after the majority of its counterparts, on 4 February 1910.²⁸ Within this twenty-year gap, there occurred an expensive high court case featuring a dispute about the ownership of the property of the ancient and unreformed Corporation of the Borough of Midhurst that was amongst those that were abolished in 1886. On one side in the court case was Gerald Dudley Smith, the owner of a City of London bank and the Cowdray Park Estate, who was in the early twentieth century still regarded as the Lord of the Manor.²⁹ On the other side were three local men, parish councillors Harry Duncan, Joseph Ketterer and Richard Stedman who were acting on behalf of, and in the name of, the council as a whole.³⁰

After the abolition of the borough, Dudley Smith had assumed ownership of the Midhurst Town Hall, together with certain other properties in the town, all of which had been amongst the assets of the old corporation. He did this on the basis that an ancestor of his had purchased the borough, together with the nomination rights for its two

²² Jim Elsworth, *A Summary of the Charities in the Ancient Town of Chipping Sodbury and the Village of Old Sodbury*, (Chipping Sodbury, 2011).

²³ David Shipp, chair, Chipping Sodbury Town Trust, in interview, 23 August 2012.

²⁴ Elsworth, *op cit.*

²⁵ Interview with Jim Elsworth, chair, Chipping Sodbury Town Lands Charity and David Shipp, chair, Chipping Sodbury Town Trust, 23 August 2012.

²⁶ Elsworth, *op cit.*

²⁷ Interview with Tim Rudwick, clerk to Midhurst Town Trust, 30 May 2012.

²⁸ L.F. Salzman, (ed.), *The Victoria History of the County of Sussex*, Vol. 4, (London, 1953), 79.

²⁹ Interview with Tim Rudwick, clerk to Midhurst Town Trust, 30 May 2012.

³⁰ Frances Johnson-Davies, *Midhurst, a Brief History* (Midhurst, 1996), 35.

parliamentary seats in 1802.³¹ This 1886 move was never challenged locally. After the establishment of the parish council in 1895 councillors, seemingly willingly, paid Dudley Smith a hiring fee for the use of the Town Hall for their meetings at a rate of £29 per annum. They also periodically approached his agent with requests for maintenance or improvements, not all of which were granted.³²

It was not until 1903, twenty years after the 1883 MCA and seventeen years after the abolition of their ancient borough, that councillors began to question the ownership of the assets of their former corporation. Their first step was to apply for a ruling from the board of the Charity Commission, who indicated that they believed that the councillors had a case that they could win and that they would support them.³³

Without this support, and the legal expertise the commissioners brought to bear through the barristers they employed, it is unlikely that the case would have reached court. Parish councils were not rich institutions in the first decade of the twentieth century. Their spending powers were severely limited by the imposition of a threepenny rate cap that could only be enlarged, at most to sixpence.³⁴ During the decade that followed the 1894 Local Government Act, parish councillors commonly found that most of the powers that they had been bequeathed by the statute had proved to be beyond their financial means.³⁵

In Midhurst, Dudley Smith decided to fight for what he believed to be his rights. Five years were to pass before the high court case was heard in 1908. *The Daily Telegraph* of Tuesday 16 June reported the corollary to the judge's summary:

As a sequel to the exhaustive inquiry held a year ago at Midhurst and in the high court in London earlier this year, the Charity Commissioners have ordered Mr Dudley Smith, Lord of the Manor of the Borough of Midhurst, the Corporation of which was dissolved under the Municipal Corporations Act of 1883, to deliver up the Town Hall and Market Place, the silver-gilt mace, dated 1736, the gift of Henry Peachy, of New Grove, Petworth, two constables staves, and the parish stocks and pillory to the Official Trustee of Charitable Lands and Official Trustees of the Charitable Funds.³⁶

The case swung on the historical fact that two manors had been carved out of the Great Manor of Cowdray during the Middle Ages; the Manor of St John of Jerusalem, to which was attached a manorial court (the Court Leet) together with the property of the abolished corporation, and the Manor of Midhurst, to which was attached a separate manorial court (the Court Baron) and the right to the borough's parliamentary seats. The

³¹ D.R. Fisher, *The History of Parliament, The House of Commons, 1820-1832, III, Constituencies, Part 2*, (Cambridge, 2009), 115-6.

³² West Sussex Record Office, (WSRO), 138/49/1, Midhurst Parish Council Minute Book, 1894-1907.

³³ WSUSRO, 138/54/1, Midhurst Parish Council, Register of Letters.

³⁴ Local Government Act, 1894 [56 & 57, Vict., c. 73].

³⁵ G.R. Searle, G.R., *A New England? Peace and War, 1886-1918* (Oxford, 2004), 223.

³⁶ *The Daily Telegraph*, Tuesday, 16 June 1908.

judge ruled that Dudley Smith's ancestor had purchased the latter in 1802 which did not include the assets of the old corporation.³⁷

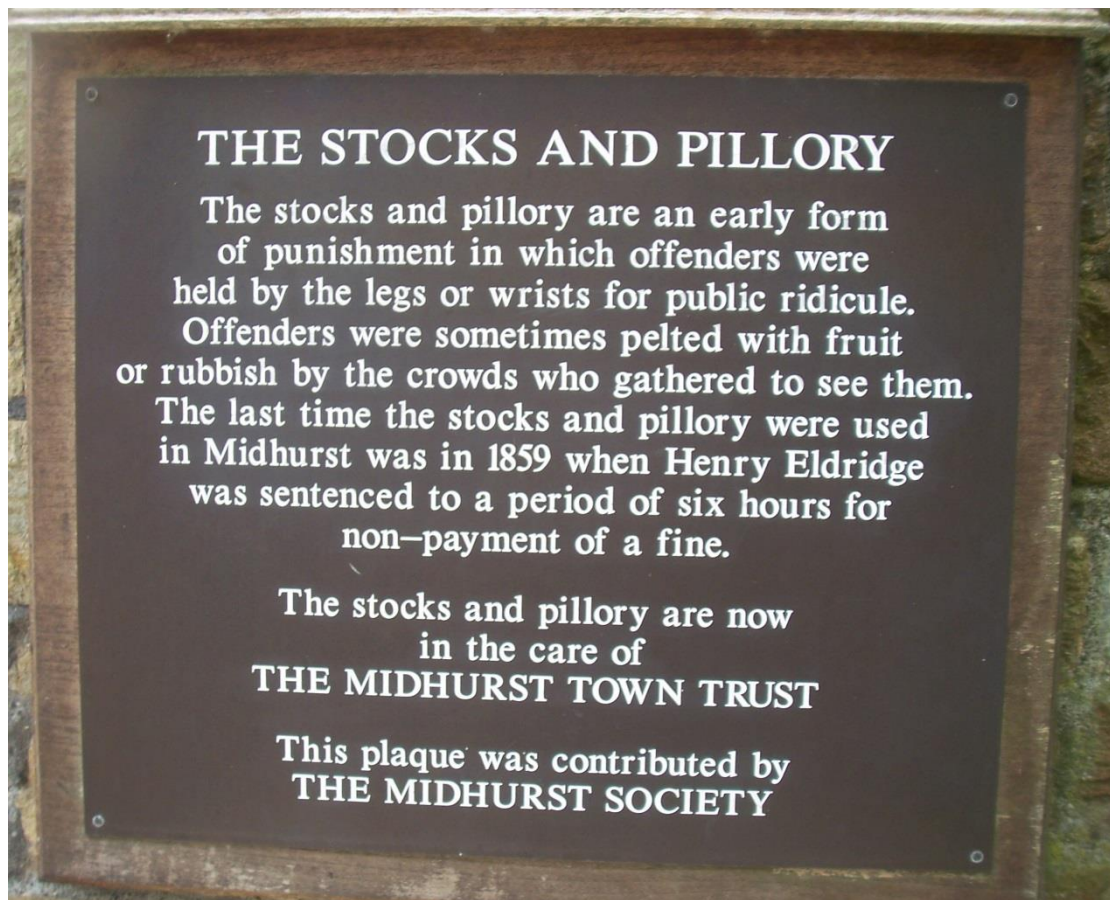


Illustration 10: Notice on the wall of Midhurst Town Hall next to the Stocks and Pillory which are kept in a cage behind bars. Photograph by the author, April 2014.

Dudley Smith appealed against the judgement and it was not until two years later that the scheme of arrangement forming Midhurst Town Trust was sealed.³⁸ Under this document, and like the trust at Chipping Sodbury, a similar semi-representative structure was implemented. There were to be three representative trustees nominated by the parish council, one nominated by the Sussex Archaeological Society and two co-opted from the general public. The first three representative trustees were the parish councillors who fought the court case.³⁹ Midhurst Town Trust is still in existence today with the same structure and still managing the assets that it acquired in 1910.

³⁷ Johnson-Davies, *op cit.*, 35.

³⁸ WSUSRO, 138/49/2, Midhurst Parish Council Minute Book, 1907-21 (unpaginated).

³⁹ Midhurst Town Trust Minute Book, 1910-95 (unpaginated), held privately by the current clerk.

3.5 Clun Town Trust

The third of this anomalous quartet is Clun Town Trust. This very small town, with a population of only 642 at the 2001 census, is regarded as a rural gem in South Shropshire. It is situated on the English side of the border with Wales in an area that has been designated as being of outstanding natural beauty, usually referred to as the Middle Welsh Marches. Clun also houses a museum that attracts experts from all over the world, as well as thousands of interested tourists, who come to view its renowned collection of pre-historic flint implements.⁴⁰

The trust at Clun was registered with the Charity Commission on 16 May 1924. It was founded to accept ownership of the property of the town's ancient corporation that had been dissolved in 1886. This consisted of two maces (c. 1580 and c. 1620) and a seal dated 1637, all bearing the arms of a family named Walcot who had been Lords of the Manor in the seventeenth and eighteenth centuries until they sold the seat to Lord Clive of India in 1760.⁴¹ The items had been in the possession of the Law family for more than 100 years, an ancestor of whom had been a representative of the last group of Clun burgesses that had ceased to govern the town at some time in the 1830s.⁴²

These items of regalia were formally handed over to the town by a Mrs Gwilliam, of The Pentrie, in December 1924. They were only recovered thanks to the efforts of Richard Haynes, then chairman of Clun Parish Council, who had lobbied for their return to the town for many years.⁴³ The items, valued in total at only £200 in 1924, were afterwards displayed in Clun Town Hall and were paraded on ceremonial occasions such as coronations.⁴⁴

The constitution of this town trust is similar to the charities established in both Chipping Sodbury and Midhurst: it stipulated that there were to be five trustees, one co-opted and four representative; the latter group all to be nominated by the parish council. The constitution has not changed since: at the time of writing (2014) there were four trustees and one vacancy.

The town trust museum at Clun started in an informal way in the 1920s, when Tom Hamar (who was also a town trustee) began showing his collection of flints in a ground floor corner of the Town Hall, which was then still used to house the town market. In 1928, after the town's markets had ceased, the Earl of Powis (a descendant of Clive of India) gave the two-storey Town Hall built in 1780, to the people of Clun. The Parish Council agreed to let

⁴⁰ Clun, Home Page, 30 August 2012, www.clun.org.uk

⁴¹ SHROPA, T 10 vf, Clun Town Trust Property.

⁴² Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 11 October 2011, www.parlipapers.chadwyck.co.uk

⁴³ SHROPA, T 09 vf, Clun District Almanac and Recorder, 1933.

⁴⁴ SHROPA, T 64 vt, C. Hartley Willan, *Historic Clun*, (Clun, 1966), 33.

the ground floor of the building to the town trust at a peppercorn rent for use as a museum in 1932. It was officially opened on 2 September with a display of over 1,000 items – including flints and tools dating back to the Bronze Age - all collected from land around the village.⁴⁵ This collection has continued to grow; it now consists of 6,528 flint items.

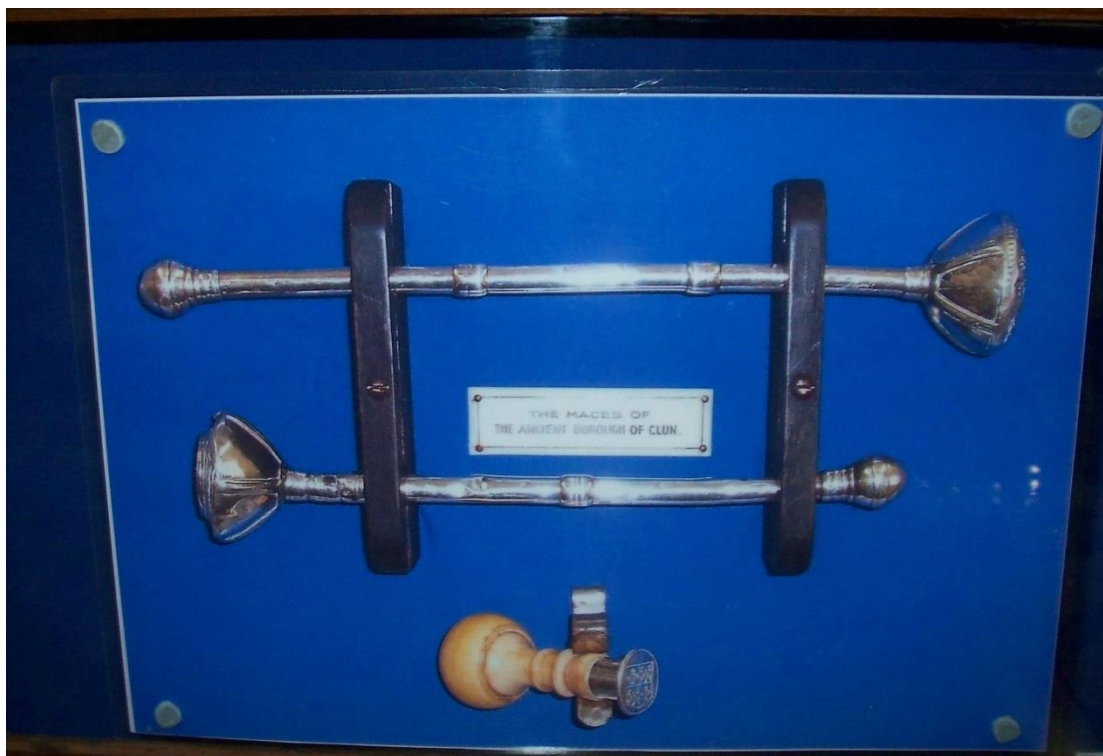


Illustration 11: The maces and the seal of the old Municipal Corporation of Clun (Shropshire), held in the Clun Town Trust Museum. Photograph by the author, October 2013.

The museum was expanded to include the first floor of the Town Hall building in 2004 where the theme is local memorabilia from the First and Second World Wars. In September 2011, the museum in this tiny village was given the accolade of national accreditation from the Museums, Libraries and Archives Council. The Clun Town Trust Museum continues to thrive today, having established a national reputation through its accreditation and an international one through its collection of pre-historic flints.⁴⁶

3.6 Berkeley Town Hall Trust

The fourth anomaly is the town of Berkeley (Gloucestershire) that lies between the eastern bank of the River Severn and the M5 motorway. It is noted for its castle in which the imprisoned Edward II was probably murdered in 1327 and for being the town where Dr Edward Jenner carried out the first smallpox vaccinations in 1796.⁴⁷ Berkeley also became

⁴⁵ Jean Withers, *Clun Town Hall, Edward Clive's Legacy* (Clun, 2000).

⁴⁶ Clun Town Trust Museum, History, 29 August 2012, www.clun.org.uk/museum

⁴⁷ Berkeley Town Council, home page, 12 August 2012, www.berkeleytc.gov.uk

the last ancient borough to form a town trust under the auspices of the 1883 MCA; a full eighty years after the legislation had been passed by Parliament. This did not happen until 28 September 1963 when the Berkeley Town Hall Trust was first registered with the Charity Commission.⁴⁸

In 1824 the mayor and burgesses of Berkeley mortgaged their future market tolls in order to raise £400 for the building of a town hall, a task that was duly carried out. The Lord of the Manor and the owner of Berkeley Castle, Maurice Fitzhardinge, acquired this mortgage some years later when it had been reduced to £40 and by doing so he became the owner of the building. The 1835 Royal Commissioners reported that he did allow members of the public to use the Town Hall and he kept it in a good state of repair.⁴⁹

After the old Berkeley Corporation was abolished in 1886, the building remained in the ownership of the Fitzhardinge family and eventually it became part of the Berkeley Castle Estate. When the administrators of this estate wished to divest themselves of the expense of maintaining the building in 1958, they followed the precedent of the 1883 MCA as advised to them by the Board of The Charity Commission. They handed over the hall at a peppercorn rent to the trustees of Berkeley Town Hall Trust in 1958 on a thirty-three year lease. The trustees, again in a semi-representative structure, totalled fourteen, with two co-opted from the community, seven appointed by user groups and five nominated by the parish council.

With their only income stream being derived from hiring out the hall, the trustees always had problems in financing the upkeep and the expensive repairs to what became a listed building in the 1960s. In 1973, the council took over the lease by assignment and in December 1980 the Berkeley Castle Estate handed over ownership of the building to Berkeley Town Council. This resulted in the trust becoming moribund. However, the organisation was not officially closed with the Charity Commission.

In the early twenty-first century, this omission produced confusion and objections from councillors when some of them realised that they had become the trustees of a charity by default and without their knowledge.⁵⁰ Debbie Spiers, the current (in 2012) Berkeley Town Clerk, finally lodged the closure papers for the Berkeley Town Hall Trust with the Charity Commission on 14 January 2003.⁵¹

⁴⁸ Charity Commission of England & Wales, Search for a Charity, Advanced Search, 3 February 2012, www.charity-commission.gov.uk

⁴⁹ Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 3 February 2012, www.parlipapers.chadwyck.co.uk

⁵⁰ GLOSRO, P42a PC 10/46, Berkeley Town Hall Trust.

⁵¹ Email correspondence and telephone calls to and from Debbie Spiers, Town Clerk, Berkeley Town Council, 19-21 June 2012. See p. 163 below.

3.7 East Looe Town Trust



Illustration 12: East Looe Town Trust Beach. Photograph by the author, May 2014.

East Looe Town Trust (Cornwall) has not had its historical records archived. They are still in the same 'raw' state as they were when they were placed in storage by their various trust clerks over the past decades. The author of this thesis was therefore denied access to them. The current trust clerk, Judy Martin, did however write a letter in answer to a research enquiry and she completed a questionnaire. The research enquiry also seemed to stimulate an effort to start the archiving process for the first time.

Unfortunately, we do not know a lot more than is shown on our website, although I am in the process of going through all of the records that are stored in our clock tower so something may turn up ... should anything interesting appear while I am listing what we hold, I will let you know.⁵²

Her letter continued:

It may help you to know that for many years the Trust was run by the East Looe Urban District Council with all of the Councillors also being trustees. Therefore, trust minutes were generally recorded with council minutes (which are also un-archived in the clock tower). The Charity Commission put a stop to this when the Urban District Council was disbanded in 1974 (which is when I suspect they found out that only councillors were trustees).

⁵² Letter from Judy Martin, Clerk, East Looe Town Trust, 11 March 2014.

Although this cannot be verified for obvious reasons, it would appear that the local council had subsumed the trust at some time between foundation in 1890 and the 1970s. And it can be further surmised that the Charity Commissioners were insisting on a semi-representative trustee structure being imposed on East Looe Town Trust in 1974. Today in 2014, there are eight trustees, four nominated by Looe Town Council (which replaced East Looe Urban District Council in 1974) and four co-opted from the community.⁵³

East Looe has the highest profile of all of the town trusts established by the 1883 MCA. It has the biggest turnover (£195,000 in 2012) and it owns the most property, being responsible for inter alia, the Guildhall, The Old Guildhall Museum and Gaol, the old Lifeboat Station and Watchtower, the beach, seafront and promenade, Wooldown and Eastcliff (large open areas of local significance), two cafes, and three car parks. Could it be that the Charity Commissioners of the 1970s were determined that this considerable batch of assets should not be dominated by the public sector? ⁵⁴

3.8 Stratford-Upon-Avon Town Trust

A similar story, that can be verified, emerged from Stratford-upon-Avon in the two year period, 1999-2001. This, however, did not concern a town trust established in the wake of the 1883 MCA.

On a cool damp evening in July 1999, the elected members of Stratford-upon-Avon Town Council gathered at the Town Hall for a meeting that would be of monumental significance in the civic history of the town. Also attending was a strong delegation from the Charity Commission, who were due to deliver their verdict on the council's management of two ancient charitable trusts, the Guild and College Estates.

The Town Council had managed the charities in much the same way as its predecessors (the Borough Corporation of the Bailiff and Burgesses of Stratford-upon-Avon, 1553-1835, and Stratford Borough Council, 1835-1974) had done for hundreds of years. It was aware that the commissioners, during months of inquiry, had identified things that, when judged by late twentieth-century standards, needed to change. The councillors were willing to listen, learn and oblige.

But when the head of the commission's team rose to announce their conclusions, the news was devastating. The Charity Commission was not willing to sanction the continued trusteeship of the ancient charities by the council.⁵⁵

The commissioners had exercised their right under statute law to change the structure of the trustees of a charity. In 2001 a new charity, Stratford Town Trust, was formed to

⁵³ Letter from Judy Martin, Clerk, East Looe Town Trust, 11 March 2014.

⁵⁴ See p. 179 below.

⁵⁵ Eggington, *op cit.*, 2.

manage the properties of the Guild and College Estates which had formerly been public assets. Of the new board of eleven trustees, only three were nominated by the council, indicating that the Charity Commissioners were insisting on a 'semi-representative' structure at the turning of the twenty-first century.

The background to this decision can be traced back to the mid-1990s when British political life was rocked by the 'cash-for-questions' affair, concerning allegations that politicians were being bribed to ask parliamentary questions. The outcome of the scandal was the highly influential report of the Nolan Committee. This set out seven principles of public life - principles which were embraced with almost evangelical fervour by those in both the public and voluntary sectors. One of the main practical applications of the report was in relation to 'conflicts of interest' – situations where those making the decisions on behalf of one body had to be at pains to ensure that their deliberations could not be affected by their interests in, or loyalties to, another.

For some time beforehand, the Charity Commission had harboured general doubts about the wisdom of local authorities acting as the sole trustees of local charities. Such trusts, they argued in the 1990s, would be governed by elected councillors who could, at least potentially, be more influenced by political and electoral concerns than by what was necessarily best for a charity.⁵⁶ We do know, however, that the commissioners have not been consistent. They have tolerated, and continue to tolerate, the councillor trusteeship of five of the cadre of trust towns that were set up by the 1883 statute - Chipping Campden, Langport, Orford, Wootten Bassett and Wotton-Under-Edge. In addition, the commissioners were also prepared to tolerate the councillor trusteeship of Berkeley and Westbury Town Trusts until the decisions to close these bodies took place in 2003 and 2005 respectively.⁵⁷

The Guild and College Estates at Stratford were, however, much more high profile charities than the seven small town trusts in the paragraph above. In 2013, they generated an income of more than £2.3 million. Stratford Town Council had also not helped its own case for the continuance of its trusteeship as they had suspended the levying of a local rate (the council tax) from the town's residents because they had so much money coming in from the two ancient charities. The councillors had decided that the income of the Guild and College Estates could provide all third-tier local government services in the town. Perhaps not unreasonably in the circumstances, the Charity Commission decided that charitable monies were being spent on activities that should have been the responsibility of the state.⁵⁸

⁵⁶ Eggington, *op cit.*, 44.

⁵⁷ See p. 42-4 above.

⁵⁸ Eggington, *op cit.*, 44-9.

3.9 The survival rate of the town trusts established by the 1883 MCA

As the table below shows, two of the cadre of trusts in which this thesis is interested have closed and a total of five more have been subsumed by their local councils. Only seven of the total cadre can therefore be classified as having failed, and like the trust at Berkeley, most of them failed because they were suffering from financial problems at the time of their demise. This means that the survival rate of the group of thirty-seven town trusts established by the 1883 Act has proved to be high at 81 per cent. Thirty have survived well into the twenty-first century, with a similar, if not quite the same structure as when they were founded. Their longevity has been surprising to say the least.

Table 3.11 Town trusts and their current status ⁵⁹

No	Name of Town Trust	Current status
1	New Alresford Town Trust	Surviving
2	Axbridge Town Trust	Surviving
3	Berkeley Town Hall Trust	Council subsumed, closed 2003
4	Bovey Tracey Town Trust	Surviving
5	The Brading Town Trust	Surviving
6	Bradinch Town Trust	Surviving
7	Camelford Town Trust	Surviving
8	Chipping Campden Town Trust	Council subsumed, 1959
9	Chipping Sodbury Town Trust	Surviving
10	The Clun Town Trust	Surviving
11	Corfe Castle Town Trust	Surviving
12	Dunwich Town Trust	Surviving
13	Dursley Town Trust	Surviving
14	East Looe Town Trust	Surviving
15	Fordwich Town Trust	Surviving
16	Garstang Town Trust	Surviving
17	Harton Town Trust	Surviving
18	Holt Town Trust	Surviving
19	Ilchester Town Trust	Surviving
20	Kenfig Corporation Trust	Surviving
21	The Cilgerran Town Trust	Surviving
22	Langport Town Trust	Council subsumed, 1966
23	Llantrisant Town Trust	Surviving
24	The Loughor Town Trust	Surviving
25	Marazion Town Trust	Surviving
26	Midhurst Town Trust	Surviving
27	Nefyn Town Trust	Surviving
28	Orford Town Trust	Council subsumed, 1971
29	Pevensey Town Trust	Surviving
30	The New Radnor Town Trust	Surviving
31	The St Clears Town Trust	Surviving
32	Thornbury Town Trust	Surviving
33	Westbury Town Trust	Council subsumed, closed 2005
34	The Winchcombe Town Trust	Surviving
35	Wootton Bassett Town and Hall Trust	Council subsumed, 1993
36	Wotton-under-Edge Town Trust	Council subsumed, 1976
37	Yarmouth Town Trust	Surviving

⁵⁹ Sources for the compilation of the table:

1. Charity Commission of England & Wales, Search for a Charity, Advanced Search, 3 February 2012, www.charity-commission.gov.uk
2. The current status column has been filled mostly from the above source. In the seven cases of council take over, the details have come from town trust archives.

The shortest life was the trust at Berkeley which was founded in 1958 and closed in 2003 – a span of forty-five years. Chipping Campden Town Trust, the first to be subsumed into its local council in 1959, had an existence of seventy years from its foundation in 1889. The trust at Westbury (at least legally) had a life of 117 years from 1888 to closure in 2005. In thirty other English and Welsh towns charitable town trusts are still managing at least some of the public assets and rights that they inherited as a result of the 1883 MCA today. In most of these towns the organisations are more than 120 years old; the only exceptions being Midhurst Town Trust that celebrated its centenary recently in 2010 and The Clun Town Trust that will do so in 2024.

These surviving town trusts are now so protected by charity case law and statute that there are only two ways that they are going to cease to exist in the future.⁶⁰ The first is by the trust becoming insolvent and the second is by the trustees making a unanimous decision to close their organisation. Were either of these things to happen, the Charity Commission would give permission for the organisation to be subsumed into the relevant parish or town council, with councillors acting as trustees. However, the trust would still legally have to remain a charity and would not report into any of the tiers of local government, staying under the control of the Charity Commission.⁶¹

3.10 Conclusions

The 1883 MCA had a differing impact on 110 ancient borough corporations. This piece of legislation, enacted as a result of the Royal Commission report in 1880, forced twenty-eight of them to reform. It allowed three to remain in existence but stripped them of all municipal powers.⁶² Four more towns were specifically granted permission to elect an ‘honorary’ mayor but that was the limit of their status, this nominal position held no municipal responsibilities. In addition, the statute summarily abolished seventy-six corporations, all of them on or before 29 September 1886.

In thirty-one of these seventy-six cases, the town corporations owned no property or trading rights. In the other forty-five towns, however, they did. In eight of these boroughs these assets and rights were transferred into local government bodies and they were subsumed either into reformed borough governance or into the county and district councils established by the Local Government Acts of 1888 and 1894. In the remaining thirty-seven former boroughs, town trusts were created as the repositories for the assets and rights of their abolished corporations.

⁶⁰ See p. 153-74 below.

⁶¹ Conversations with Quentin Elston and Samantha O’Sullivan, charity law experts, 19 July 2010.

⁶² Malmesbury (Wiltshire) features in both of these categories.

Table 3.12: The impact of the 1883 MCA on 110 ancient corporations

Categorising the '110' corporations impacted by the 1883 Act	Number	%
Boroughs reformed	28	28.4
Old corporations allowed to continue to exist, no municipal powers	2	1.8
Honorary mayor only, no municipal powers	4	3.6
Corporation 'long extinct'	18	10.4
Corporation 'extinct since 1835'	7	6.4
Formed town trusts prior to 1883	2	1.8
Assets remained in local government	8	7.2
Formed town trusts post 1883	37	33.6
Total	110	100

Kenfig Corporation Trust was established by the central Local Government Board in 1886.⁶³ In thirty-two other cases these bodies were founded by the Charity Commissioners in the period 1888-91. However, the 1883 statute was still being applied in 1899 at Chipping Sodbury, in 1910 at Midhurst, in 1924 at Clun and in 1958 at Berkeley.

In spite of the major extensions to the national franchise that occurred in 1884, 1918 and 1928, and the extensions to the municipal franchise that occurred in 1894 and 1929, the commissioners were still using the compromise arrangements of semi-representative charities that had been established by the 1883 MCA as a precedent for decisions about the management of public assets and the structure of town trusts as late as 1958. Although this fact cannot be verified through a primary source, it is suspected that the commissioners applied a similar ruling to the trust at East Looe in 1974 and in 2001 at Stratford they certainly concluded that elected town councillors were not the best managers of voluntary sector assets. Here the commissioners reverted to the 'semi-representative' structure brought in by the 1883 MCA. It would seem that once an asset has entered the voluntary sector, the Charity Commission's attitude is that it becomes a charitable asset with no reference back to the fact that it had once been an asset belonging to the public. The only exceptions to this rule seem to be the bankruptcy of a trust or a lack of the necessary number of trustees. Only then have the commissioners permitted assets to return to the public sector.

Two of these thirty-seven town trusts have since been closed and five more have been fully subsumed back into their respective parish or town councils. However, in the thirty towns where these trusts are still active, the consequences of the 1883 statute are still being felt today. The assets and rights that these trusts inherited in the late 1880s and early 90s, or in the cases of Midhurst in 1910 and Clun in 1924, still remain outside the sphere of publicly accountable local government today.

⁶³ See p. 30 above.

Irrespective of whether the existence of these trusts is viewed favourably or otherwise by the ratepayers in their respective towns, it is an inevitable conclusion that the reach of the 1883 MCA has proved to be an extremely long one.

CHAPTER FOUR

LOCAL REACTIONS TO THE ABOLITION OF THE CORPORATIONS

4.1 Introduction

The Royal Commission of 1876-80 did not send its representatives to visit all of the 110 towns that it was asked to investigate. The commissioners wrote to all the corporations that had been examined by the 1833-35 commissioners, enclosing a copy of what had been written then and asking what had been changed in the interim. If the reply indicated that little or nothing had altered or that the corporation had since become extinct, no investigatory visit was made. Representatives were only sent to the towns where significant changes had taken place or to places that had not been the subject of an 1835 report. As far as can be judged from what was submitted to Parliament in February 1880, approximately one-third of the 110 towns did not receive a commissioner's visit. Two-thirds of them, however, did.

No towns refused to give information to the 1876-80 commissioners as the corporation trust town of Corfe Castle (Dorset) did to the 1830s commissioners. Although it was not reported, it is suspected that the corporation members from Holt (Wrexham) also refused to give information to these earlier commissioners as no details of the governance of this town features in their 1835 report.¹

Times had changed in the forty-five years between the two sets of reports. Corporations could not afford to be secretive about their dealings.² Improved representation had moved the number of electors entitled to vote in national elections from little more than half a million in 1835 to over three million in 1880 and that total was destined to top five million by 1884.³ The popularity of national and local newspapers had ensured that corporations were no longer insular institutions; their follies were now reported for all to read. During the 1876 parliamentary session, Sir Charles Dilke had demonstrated not only that their members could be subject to questioning but also that

¹ Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 11 October 2011, www.parlipapers.chadwyck.co.uk

² H.A. Merewether and A. J. Stephens, *The History of Boroughs and Municipal Corporations* (Brighton, 1972, first published 1835), xii.

³ Roy Jenkins, *Gladstone* (London, 1995), 488.

they could be held up to ridicule for actions that offended the inhabitants of the places they purported to represent.⁴

The Westminster attitude towards local governance had also shifted, from being predominantly laissez-faire in the 1830s to being far more directive in the 1880s.

Side by side with the machinery for ascertaining the will of an increasing number of the people, there grew up a bureaucracy for giving it effect. From 31 August 1870, the date at which entry to the Civil Service was thrown open to competitive examination, there may be traced a steady and rapid expansion in the size, number and efficiency of central government departments which revolutionised the scope and role of government itself.⁵

The remaining ancient corporations were going to be told what was going to happen and there was to be little consultation by government officials at local level.⁶

Some local consultation did take place after the corporations had been abolished, but not beforehand, and this was conducted by the Charity Commission rather than government officials. These commissioners, of course, had a vested interest in getting the consultation process right; the 1883 Municipal Corporations Act (MCA) had potentially awarded them with thirty plus new charities to oversee, together with a substantial array of ex-corporation assets.

4.2 Local reactions in the towns 1882-86

The Liberty of Pevensey (East Sussex) became aware of the bill that threatened the existence of their corporation in mid-1882. Their Town Clerk, J.H. Campion Coles, wrote to all of the affected corporations on 3 June 1882 after Dilke's bill was first introduced to the House of Lords by his friend Lord Rosebery on 4 May.⁷ Campion Coles' letter reads:

Your attention has no doubt been called to a Bill introduced by Lord Roseberry (sic) into the House of Lords, and which has been read a second time, intituled 'An Act to make provision respecting certain Municipal Corporations and other Local Authorities not subject to the Municipal Corporations Acts'.

The Corporation of Pevensey had the Bill under their consideration at a Special General Assembly, held on 1st instant, and resolved that it was expedient to put themselves in communication with all of the other Corporations mentioned in the second part of the first Schedule, with the object of ascertaining their views as to the desirability of combining to oppose such Bill, with the view of obtaining such modifications therein as may be deemed advisable and expedient.⁸

⁴ Sir Charles Dilke, speaking in the House of Commons, when making his case for investigation into the unreformed corporations. Parliamentary Papers, House of Commons, *Hansard*, 29 February 1876, 4 January 2012, www.parlipapers.chadwyck.co.uk See also p. 88 above.

⁵ G.R. Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 122-3.

⁶ GLOSRO/D553/B48, Wotton-under-Edge Town Trust, notes of the protest meeting held at the Westminster Palace Hotel on 13 June 1882.

⁷ Stephen Lucius Gwynn, *The Life of The Rt. Hon. Sir Charles W. Dilke VI* (London, 1917), 401.

⁸ GWENTA, Documents relating to the Corporation of Usk, 1882-3, D 156.30.

The Bailiff and Burgesses of the Corporation of New Alresford (Hampshire) also became aware of the bill at around the same time. Their minutes taken five days later on 8 June 1882 read:

At a court this day held, Lord Rosebery's Bill for abolishing this Corporation, with others, was considered and it was resolved that Edward Blackmore be requested to attend a meeting to be held at the Westminster Palace Hotel on Tuesday 13 June. Mr Blackmore is to have the authority to promise on behalf of the Corporation a subscription towards the expenses of opposing the said Bill – such subscription not to exceed ten pounds.⁹

Edward Blackmore was a respected local solicitor in New Alresford who had been a town burgess since 1873. He was the most influential of this corporation's members and it was to him that his colleagues usually deferred.¹⁰ He was also the Town Clerk to Petersfield Corporation (also in Hampshire) and he had been interviewed by a Royal Commissioner investigating that unreformed borough in 1877.¹¹ Blackmore was, therefore, involved in the arrangements for the abolition of two unreformed corporations.

There is evidence to show that Campion Coles from Pevensey and Blackmore of New Alresford did attend the protest meeting at the Westminster Palace Hotel on Tuesday 13 June 1882. They were amongst the representatives of twenty other corporations.¹² The suggested subscription of ten pounds to oppose the bill, made in New Alresford, would be worth around £1,000 in 2014, probably a nominal amount.¹³

Table 4.1 Towns represented at the abolition protest meeting in 1882

1. Aldeburgh (Suffolk) *	12. Malmesbury (Wiltshire) *
2. New Alresford (Hampshire)	13. Montgomery (Powys) *
3. Axbridge (Somerset)	14. New Romney (Kent) *
4. Brading (Isle of Wight)	15. Okehampton (Devon) *
5. Higham Ferris (Northamptonshire) *	16. Pevensey (East Sussex)
6. Kidwelly (Carmarthenshire) *	17. Romney Marsh (Kent)
7. Langport (Somerset)	18. Seaford (East Sussex)
8. Llanfyllin (Powys) *	19. Sutton Coldfield (Birmingham) *
9. Lostwithiel (Cornwall) *	20. Usk (Gwent)
10. Loughor (Swansea)	21. Winchelsea (East Sussex)
11. Lydd (Kent) *	22. Yarmouth (Isle of Wight)

An asterisk (*) indicates that these corporations were scheduled for reform. The absence of one indicates that the corporation was recommended for abolition.

⁹ HAMRO, 7M50/A1, New Alresford Borough: Court Book of the Bailiff and Burgesses of the Borough of New Alresford, 1615-1890.

¹⁰ HAMRO, 7M50/A23, New Alresford Borough: Correspondence of Edward Blackmore, 1859-1889.

¹¹ Parliamentary Papers, House of Commons, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 11 October 2012, www.parlipapers.chadwyck.co.uk. Petersfield Corporation was abolished in 1886 but possessed no properties or franchises.

¹² GLOSRO/D553/B48, Wotton-under-Edge Town Trust, Notes of the protest meeting held at the Westminster Palace Hotel on 13 June 1882.

¹³ Bank of England, Inflation Calculator, 2 February 2011, www.bankofengland.co.uk.

As the bill affected 110 corporations, this cannot be termed a high turn-out at 20 per cent. Those representatives that were in attendance were equally split between eleven corporations that had been recommended for reform and eleven more that were facing abolition. As the House of Lords was scheduled to debate the bill that evening (13 June) those present concluded that they were too late to get a motion in place to get the bill referred to a select committee.

Recognising that there were two distinct groups in attendance, it was arranged that there would be a further gathering of the representatives of the corporations that were facing abolition the following day at the same venue. However, on Wednesday 14 June there were only representatives from seven corporations present:

Table 4.2 Representatives of towns forming a protest committee in 1882

- | | |
|----------------------------|---------------------------|
| 1. Axbridge (Somerset) | 5. Pevensey (East Sussex) |
| 2. Brading (Isle of Wight) | 6. Romney Marsh (Kent) |
| 3. Langport (Somerset) | 7. Usk (Gwent) |
| 4. Loughor (Swansea) | |

After they had learned that the bill had been passed in the Upper House, these seven representatives resolved to form a committee to oppose the bill or to get it amended when it reached the House of Commons. They appointed a secretary, one Henry Terrell, a lawyer with an address at New Court in the Temple district of London. He wrote to all of the towns featuring potentially abolished corporations on 15 June enclosing the professionally printed minutes of both Westminster Palace meetings produced as one document.¹⁴ It has to be said that this was an impressively speedy turnaround and that it smacks of a lawyer trying hard to drum up business.

The other courses agreed upon by the protest committee were that each borough be responsible for preparing its own petition against the bill - Henry Terrell volunteered to send out a draft document to each corporation - and that a small subscription be invited from each of the corporations affected to pay for preliminary out-of-pocket expenses.¹⁵ The Corporation of Usk paid £20.¹⁶

Campion Coles from Pevensey stuck to the guns of his letter of 3 June 1882 and played his part in forming the protest committee. By contrast, the protest meeting at Westminster Palace cannot have impressed Blackmore from New Alresford because, like the representatives of the potentially abolished corporations of Seaford, Winchelsea (both East Sussex) and Yarmouth (Isle of Wight), he did not even stay to attend on the second day. The

¹⁴ SOMHC, Axbridge Town Trust, 1882 Corporation vouchers and receipts, solicitor's annual bill describing services rendered, D\B\AX/1504.

¹⁵ GLOSRO, D282/B2, Thornbury Consolidated Charities, Open Inquiry 1877, Minutes of meeting, 1882.

¹⁶ GWENTA, D 156.30, Documents relating to the Corporation of Usk, 1882-3.

corporation of New Alresford made no donation to the national protest fund.¹⁷ The amount requested was five guineas and only one example (Great Dunmow, Essex) has been found of a corporation that was not represented at the meeting of 14 June later paying the subscription.¹⁸

In November 1882, Henry Terrell wrote to all of the affected corporations offering to draft a bill that would effectively reform all of their abolished corporations – the cost of preparing and presenting such a bill not to exceed £150 per corporation.¹⁹ The protest committee was, however, not raising much support outside the seven towns that it represented.²⁰ When Terrell wrote to the corporation members of New Alresford looking for support, those burgesses present resolved on 8 March 1883, ‘that it was inexpedient to take any further action at present’.²¹

Neither was there a positive reaction to the same letter from the corporation in Bradninch (Devon). Their minutes of 13 March 1883 reveal:

The communication received from Mr Terrell on behalf of the Committee of the Corporations (by whom a Bill had been prepared on the subject of Unreformed Corporations in opposition to the Government Bill lately reintroduced to the House of Commons) was read and considered. It was resolved unanimously that this corporation do *not* join with the other corporations (by whom the Bill had been prepared) in its promotion and do *not* contribute to the cost of its preparation and presentation.²²

Even the corporation in Axbridge, that had been at least nominally a member of the protest committee, resolved in 1883 that further protest was futile due to a lack of support.²³ The only petitions against the bill that have been uncovered came from Thornbury (South Gloucestershire)²⁴ and Ilchester (Somerset). The document from Ilchester contained the signatures of only five individuals - all of them corporation members.²⁵

There was a petition raised in Yarmouth but that was in support of a new charter for a fully representative body to run the town’s affairs. This document, signed by most of the town’s ratepayers, was duly presented and the Privy Council arranged a local enquiry which took place on 29 January 1884.²⁶

¹⁷ HAMRO, 7M74/DB1: there is no such entry in New Alresford Borough: The Book of Accounts belonging to the Bailiff and Burgesses of New Alresford, 1745-1890.

¹⁸ ESSRO, D/B 1/4, Great Dunmow Borough, Court Book, 1878-1886, (unpaginated).

¹⁹ See p. 149 below.

²⁰ GWENTA, D 156.30, Documents relating to the Corporation of Usk, 1882-3.

²¹ HAMRO, 7M50/A1, New Alresford Borough: Court Book of the Bailiff and Burgesses of the Borough of New Alresford, 1615-1890, (unpaginated).

²² DEVRO (Exeter), D 1978/4/8, Bradninch Town Trust, Corporation Minute Book, 1850-85, 13 March 1883.

²³ SOMHC, Axbridge Town Trust, 1883 Corporation vouchers and receipts, solicitor’s annual bill describing services rendered, D\B\AX/1505.

²⁴ GLOSRO, D282/B2, Thornbury Consolidated Charities, Open Inquiry 1877, Minutes of meeting, 1883.

²⁵ R.W. Dunning, (ed.), *The Victoria History of the County of Somerset*, Vol. 3, (London, 1974), 193.

²⁶ Yarmouth Corporation, Minute Book, 1862-91, (unpaginated).

Marazion (Cornwall) was another town to apply to the Privy Council for a new charter:

Your petitioners are threatened with total and undeserved dissolution. Marazion is of increasing importance as a Health Resort and lodging place for tourists, and growing in importance as a watering place. The Guardians of Penzance Union, in which Marazion is locally situated, have recently sewered the town and provided it with a water supply at a cost of between three and four thousand pounds. The income of the corporation is £30 per annum. There is a new Town Hall and a large Public Room. Because of the social importance of the town, petitioners suggest that some central Authority should be maintained in it.

In June 1884, Lord Pelham, barrister and commissioner appointed by the Privy Council, came down from London to Cornwall to conduct an inquiry into the Corporation's petition. There was considerable interest from the local press, much of which was sarcasm aimed at the people of Marazion. *The Cornishman* reported:

The slight attendance of Marazion inhabitants at one of the most important deliberations the old town has had for half a century – a deliberation which may influence the turning-point whether one of the most important towns in Cornwall shall lose all borough rights and merely bear an historic name, or renew its privileges and add to them a 'power to act' – was accounted for by the presence of a circus at Tolvadden! An hour's frivolity against an era of self-government, development and prosperity.²⁷

The petition was turned down. However, this was not because of the poor attendance at the inquiry, as implied by the press reporter present in 1884. Neither Marazion nor Yarmouth, unlike Cowbridge (Vale of Glamorgan) where a similar petition was successful, could meet the minimum population size (3,000) that was necessary before a town could be considered for a reformed charter and their petitions, therefore, failed at the first hurdle.

During 1884, the Privy Council sent down a Commissioner to hold a public enquiry into a petition signed by 132 inhabitants of East Looe (Cornwall) for the continuation of their charter. There were no charges of maladministration but the population was deemed too small to form a borough. The commissioner suggested that a union of East Looe and West Looe (townships on either side of a river separated by a bridge less than fifty meters wide) might justify the granting of a new charter. However, several influential persons rose to object to this initiative and it did not happen.²⁸

A convincing case was made in Parliament for the preservation of only three ancient corporations; Laugharne (Carmarthenshire), Malmesbury (Wiltshire) and Winchelsea (East Sussex), albeit that they were stripped of all municipal powers by the 1883 Act.²⁹ A half-hearted case was made for the retention of the corporation of Corfe Castle on the grounds

²⁷ Marazion History Group, *The Charter Town of Marazion* (St Ives, 1995), 50-1.

²⁸ John Keast, *A History of East and West Looe* (Chichester, 1987).

²⁹ See p. 24 above.

that its constitution was similar to that of Winchelsea. This was summarily dismissed by Sir Charles Dilke in the House of Commons, 'I do not see Corfe being an exception'.³⁰

A disappointment about the lack of protest is shown in the following lament for the passing of the old order that was written by a Corfe Castle rector at the beginning of the twentieth century.

The nineteenth century has shorn away all of the ancient privileges of the borough. The two members went at the Reform Bill of 1832 ... But why could the corporation not be left alone still possessed of its ancient privileges? These harmed no-one and stood in the way of no modern improvements. If it be said that the town is too small for a mayor, we answer that it was never larger ... Alas the mayor and the barons have gone forever. A useless act of an unconservative Parliament did the deed and without protest from the degenerate sons of Corfe. The mayor and the barons, mace and all, after six centuries and more of excellent work in maintaining the rights and privileges against the oppressor, fostering trade, and teaching self-government and self-reliance, VANISHED.³¹

Whilst this rector obviously rued the end of the old corporation in his home town, it would seem that the unreformed corporations were *not* institutions that generated an enthusiasm for serious protest about their abolition, even amongst their members.

The corporations facing abolition did communicate with each other in the period 1883-86. The corporation members of Axbridge (Somerset) wrote, via their solicitor, to their counterparts in Kenfig (Bridgend), Langport (Somerset) and Loughor (Swansea) and received replies. These communications, however, illustrate that the members had accepted the fact of abolition. The letters showed concern from former corporation members about negotiations with the Charity Commission for schemes of arrangement.³²

In January 1886 the corporation of Wotton-under-Edge (Gloucestershire) went to the expense of taking a legal counsel's opinion of what they should do with their assets after abolition.³³ This was easy money for the lawyer involved as the intentions of the 1883 statute had been made in plain language as shown by page two of the 1883 MCA.³⁴

The first highlighted area, section 2 (2), abolished all unreformed borough functions. The second set of highlighted words, Section 3 (a), abolished the corporation bodies themselves. The statute, however, would have been a poor piece of legislation if it had not pointed out what should happen to the land, properties and the trading rights owned by the abolished boroughs. The third highlighted section 3 (b) states that all property of any

³⁰ Parliamentary Papers, House of Commons, *Hansard*, 30 April 1883, 17 January 2012, www.parlipapers.chadwyck.co.uk

³¹ R. Grosvenor Bartlett, *The Popular Guide to Corfe Castle, the Ruins, the Church and the Borough* (Southampton, c. 1900)

³² SOMHC, Axbridge Town Trust, D\B\AX\1504\5\6\7\8, 1882, 1883, 1884, 1885, 1886, Corporation vouchers and receipts, solicitor's annual bill describing services rendered.

³³ GLOSRO, D553/B1, Wotton-under-Edge Town Trust, Feoffees of the Market Lands, Minute Book, 1858-90.

³⁴ See Illustration 13 overleaf.

abolished corporation, 'shall be applied for the public benefit of the inhabitants of the place in such manner as may be for the time being provided by a scheme of the Charity Commissioners'. Section 3 (b) accounted for property rights and section 9 (2), which is not shown, made the same requirement for market tolls and other trading rights.

[CH. 18.] *Municipal Corporations Act, 1883.* [46 & 47 VICT.]

A.D. 1883. — interests and other provisions contained in this Act) apply to each of the places mentioned in the schedules to this Act; that is to say,

(1.) All civil, criminal, and Admiralty jurisdiction of any corporate officer, court, or judge of the said place appointed or holding office under any charter, grant, or prescription shall cease, whether such jurisdiction is conferred by such charter, grant, or prescription, or by any Act, and the place shall be subject to the same jurisdiction as the part of the county in which it is situate or to which it adjoins, and if it adjoins more than one county or part of a county, then as the county or part with which it has the longest common boundary :

(2.) All exclusive rights of trading, local exemptions from juries, and other local franchises, privileges, and exemptions existing under any charter or grant or prescription shall cease.

Future abolition of corporations, except as provided by new charter or by scheme under 40 & 41 Vict. c. 69.

3. On and after the twenty-fifth day of March one thousand eight hundred and eighty-six, or such later day, not after the twenty-ninth day of September one thousand eight hundred and eighty-six, as Her Majesty in Council may, in the case of any place or places, appoint, the following provisions shall (subject to the savings for vested interests and other provisions contained in this Act) apply to each of the places mentioned in the schedules to this Act to which Her Majesty may not be pleased before the said day to grant a new charter; that is to say,

(a.) The place shall not be a corporate town or borough, and any municipal or other corporation thereof existing under any charter or grant or prescription shall be dissolved :

(b.) All property of any corporation in the place which is dissolved by this Act, or of any person as member or officer thereof, or of any court or judge whose jurisdiction is abolished by this Act, shall be applied for the public benefit of the inhabitants of the place in such manner as may be for the time being provided by a scheme of the Charity Commissioners, or, in a case where a scheme is made by the Local Government Board, by that scheme, and shall vest in such persons or body corporate as may be specified in such scheme.

(2.) Provided that until any such scheme takes effect the said property shall continue to be held, managed, and enjoyed as heretofore in like manner as if a scheme of the Charity Commissioners, in pursuance of this Act, had provided for such holding, management, and enjoyment, and for that purpose the persons managing

The 1883 Act had clearly signposted a way forward. If members wanted to preserve the assets and trading rights of their abolished corporation, which they held for and on behalf of the town's inhabitants, they had a public duty to open a dialogue with the Charity Commissioners. This was the legal advice received by the corporation members representing the town of Wotton-under-Edge on 20 February 1886.³⁵ And this Charity Commission destination, as a repository for their corporation assets, seemingly satisfied the majority of the members whose organisations were destined for abolition.

In most towns the corporations limped along for the three years after the passing of the 1883 Act. In Bradninch and Wotton-under-Edge the gap between meetings became noticeably longer, few new initiatives were taken and corporation members were not replaced when they died. Those remaining were merely going through the motions of town governance, resignedly waiting for abolition.³⁶ In New Alresford, Edward Blackmore served as the last town Bailiff from Michaelmas 1885 until the demise of the borough a year later.³⁷ On either 25 March (Lady Day) or 29 September (Michaelmas Day) 1886, all of these ancient corporations were abolished, leaving behind them barely a ripple of regret in their minute books.

4.3 Local reactions after abolition

The 1883 MCA determined the creation of the town trusts but the details of each individual constitution (except one) were decided by the Charity Commissioners. The exception was Kenfig (Bridgend) which was established by a scheme of arrangement organised through a court in Windsor by the central Local Government Board on 9 September 1886.³⁸

The Charity Commissioners waited until the corporations had been abolished and then sent a representative, usually a barrister acting as an Assistant Commissioner, to chair an open enquiry in each of the towns concerned. The remit their representatives were given was to establish what land and property the corporation owned, what income it had received in the year before abolition, what should be done with the surplus and how the land and property could best be administered in the future.³⁹ The earliest such meeting occurred on 14 December 1886 at Westbury (Wiltshire).⁴⁰

³⁵ GLOSRO, D553/B1, Wotton-under-Edge Town Trust, Feoffees of the Market Lands, Minute Book, 1858-90, (unpaginated).

³⁶ *Ibid.*

DEVRO (Exeter), D 1978/4/4, Bradninch Town Trust, Corporation Minute Book, 1850-85, (unpaginated).

³⁷ HAMRO, 7M50/A1, New Alresford Borough: Court Book of the Bailiff and Burgesses of the Borough of New Alresford, 1615-1890, (unpaginated).

³⁸ See p. 30 above.

³⁹ D.N. Donaldson, *Winchcombe, A History of the Cotswold Borough* (Charlbury, 2001), 180.

⁴⁰ WILTRO, G17/191/1, Westbury Town Trust: Schemes of Arrangement, 21 December 1888, 8 September 1905, Commissioners Report, 1886.

These assemblies were not always well organised. The letter from the Charity Commission in London instructing Edward Blackmore to convene a town open meeting at New Alresford Town Hall on Tuesday 23 March 1887 was dated the previous Saturday. With no mail delivery on Sunday, Blackmore would have only had twenty-four hours at best to gather his fellow residents together.⁴¹ Given the short notice, only four former corporation members appeared, together with another eleven of the town's inhabitants.

The open enquiry at Winchcombe (Gloucestershire) displayed a similar lack of preparation on behalf of the investigating commissioner and the participants. This meeting was also fully reported, in the *Evesham Journal* of 26 March 1887.

The Commissioner had difficulty establishing what the Corporation owned. It was clear that they owned the Town Hall (although it was mortgaged to the Dent Family) and the two borough silver maces. But there was doubt about the ownership of the land left in trust for certain charities which the corporation had in practice administered. There was also some doubt about the income of the corporation. The income from letting the large room at the Town Hall was said to average £10 per year; there was some income from leasing to stallholders the market standings on the ground floor of the Town Hall; there were also small sums derived from fairs and shows allowed by custom in Abbey Terrace. Edward Wood Smith (former High Bailiff) was careful to point out that the shows were 'a great nuisance to the inhabitants of Abbey Terrace' and as a resident there himself he would like to see them stopped. The only assured income available to the corporation had been the letting of the room used as a court by the justices for £10 annually and the county court for £6 together with the letting of the ground floor store for £8. From this sum of £24, such expenses as the hall keeper's salary, rates and the costs of repairs to the hall had to be met.

These open enquiries were technically open to all ratepayers but most were poorly attended. There were only fifteen present at the Winchcombe meeting reported above and a mere five attended at Pevensey (East Sussex) on 23 August 1888.⁴² All local governance meetings in the 1880s took place during the working day and only the more prosperous inhabitants could afford to take time off for unremunerated activities. A standard demand in radical programmes in the late nineteenth century was that local governance bodies should hold evening meetings but this had yet to become the usual practice.⁴³

After each of these meetings a draft report was written by a commissioner and sent to the leader of the local attendees, each of whom was invited to comment in writing. Recommendations were then made and negotiations entered into regarding the structure of each trust. Usually several drafts of a scheme of arrangement - a legal document that formed the constitution of a trust - were submitted before agreement was reached.⁴⁴

⁴¹ HAMRO, 7M50/A23, New Alresford Borough: Correspondence of Edward Blackmore 1859-1889.

⁴² ESRO, PEV/1150, Pevensey Open Inquiry, 23 August 1888.

⁴³ Searle, *op cit.*, 230.

⁴⁴ SOMHC, D/B/1a/92, Langport Town Trust, letters relating to negotiations surrounding its foundation. HAMRO, 7M50/A23, New Alresford Borough: Correspondence of Edward Blackmore, 1859-1889.

The commissioners routinely imposed three conditions before they gave permission for a charitable trust to be formed. First, the assets, responsibilities and activities of the organisation had to be restricted to those listed in a schedule appended at the back of any scheme of arrangement.⁴⁵ This required the former corporation members to detail the land and buildings that they owned, the trading franchises that they believed that they held and to come up with a list of future responsibilities that they were prepared to undertake. Second, there had to be a specified mix of trustees, some co-opted, others elected at a public meeting and in many cases trustees representing other interested parties were stipulated. And finally, the words of any scheme of arrangement had to be displayed in a public place to enable any objections from a town's people to be lodged.

The former corporation members of Thornbury (South Gloucestershire) had to give notice that a town trust was due to replace their abolished corporation in several ways and this was typical:

The details of the trust must be affixed to, or near to, an outside door of the Parish Church and to an outside door of the Thornbury Town Hall on 16 May 1889 and displayed for the duration of one week. Newspaper advertisements showing the details of the trust must be placed in 'The Bristol Times and Mirror' and 'The Western Daily Press' on 23 May 1889.⁴⁶

The commissioners displayed no sense of urgency in their negotiations. Even though the townspeople of Thornbury made no objections to the proposed scheme, another eight months were to pass before the founding document of this trust was sealed on 31 January 1890.⁴⁷

It was these less than perfectly organised meetings and a lack of urgency displayed by the Charity Commissioners that accounted for the two to five-year gap between the abolition of the corporations in 1886 and the foundation of the majority of the town trusts (thirty-two) that all occurred between 1888 and 1891.⁴⁸ The document for the first town trust to be founded by the Charity Commission in this period was sealed on 10 September 1888 and related to the former corporation of Fordwich (Kent).⁴⁹ The last, on 3 April 1891, was in the name of Holt Town Trust (Wrexham).

4.4 The vestry elections, 1888-91

In the towns where non-conformists dominated the old corporations, Harton (Devon), St Clears (Carmarthenshire) and Winchcombe (Gloucestershire), the first representative

⁴⁵ See Illustration 3, p. 20 above, relating to Garstang Town Trust.

⁴⁶ GLOSRO, D282 C4/4, Thornbury Town Trust, Scheme of Arrangement, 31 January 1890.

⁴⁷ *Ibid.*

⁴⁸ The four exceptions were Chipping Sodbury Town Trust established in 1899, Midhurst in 1910, Clun founded in 1924 and Berkeley in 1958 (see pp. 104-11 above).

⁴⁹ C.E. Woodruff, *A History of the Town and Port of Fordwich* (Canterbury, 1895), 69.

trustees were elected at a public meeting open to all rate payers. This did not mean that these meetings were well attended; in the case of Winchcombe, only twenty-five people voted in 1891.⁵⁰ In the other twenty-nine towns that formed trusts in the period 1886-91, the group of representative trustees were elected at a meeting of a Church of England vestry.

As these elections came after the corporations had been abolished in 1886 but before the town trusts' first meetings in 1888-91, no official minutes of these elections exist in former borough or in town trust records. The only details of a vestry election that have been found relate to New Alresford and for those we have to thank the local rector who arranged the election, kept a record and even fed the results to a local newspaper.⁵¹ This was not, however, a democratic process; the election was pre-fixed before the meeting and voting took place by a show of hands. It is assumed that similar undemocratic arrangements for the vestry elections were also made in other trust towns. Ballot box elections at local level only became common in December 1894 at the first parish council elections.

After three years of correspondence and legal negotiations that started in the spring of 1887 with the town open meeting referred to earlier,⁵² the Charity Commissioners finally agreed to seal a document relating to New Alresford Town Trust on 28 March 1890.⁵³ The scheme of arrangement individually named the surviving burgesses of the abolished corporation as co-opted trustees but it required that there would be five additional representative trustees who had to be elected by a meeting of the St John's Church vestry. It would seem that the nominations for the five representative trustees was organised by a small group of the town's professional classes and trades people and that it took more than two months to arrive at an agreement. The vestry election did not take place until 5 June 1890.

Table 4.3 First 'representative' town trustees in New Alresford, 5 June 1890

Nominee	Occupation	Proposed	Occupation	Seconded	Occupation
J. F. Chapman	Ironmonger	Daphne	Headmaster	Gladstones	Draper
J.G. Gladstones	Draper	John Hall *	Miller	Light	Registrar
John Hall *	Miller	Chapman	Ironmonger	Purver	Shoe maker
J.H. Richardson	Pharmacist	James Hall *	Gentleman	Willis	Pharmacist
W. Willis	Pharmacist	Swansborough	Architect	Light	Registrar

Of the ten available slots for proposers and seconders, only five were filled by individuals who were not nominated and one of those, James Hall, was the brother of

⁵⁰ GLOSRO, D1675 1/1, Borough of Winchcombe, Minute Book, 1837-1922.

⁵¹ *Hampshire Chronicle*, Saturday 7 June 1890.

⁵² See p. 128 above.

⁵³ HAMRO, 7M50/C1, New Alresford Town Trust: Charity Commission Scheme 1890.

nominee John Hall. The names of only four other individuals featured in the list. Ten individuals, therefore, appear to have arranged the vestry election between them.

The local rector, Reverend Alexander Headley, presided at the election. Between thirty and forty people tried to cram in to his small vestry room at the back of the church of St John the Baptist. It was so crowded that they all had to adjourn to the Town Hall. There was a plea from the chair to stick to what had been agreed at informal meetings beforehand and not to incur the expense of printed papers and a ballot box election. After one mild protest, the meeting proceeded smoothly and all five candidates were proposed, seconded and then unanimously elected en bloc.⁵⁴

The first meeting of New Alresford Town Trust took place on 10 June 1890 and the first recorded action was that the following nine individuals all signed their names in the brand new minute book indicating their agreement to serve on the board as trustees of the charity.

Table 4.4 First town trustees in New Alresford, 10 June 1890⁵⁵

	Name	Occupation	Type of Trustee
1	John F. Chapman	Ironmonger	Representative
2	Charles E. Covey	MD	Co-optative
3	John G. Gladstones	Draper	Representative
4	John Hall	Miller	Representative
5	Charles E. Hunt	Brewer	Co-optative
6	William H. Hunt	Architect	Co-optative
7	John H. Richardson	Pharmacist	Representative
8	John R. Shield	Solicitor	Co-optative
9	William Willis	Pharmacist	Representative

Edward Blackmore did not become one of the first town trustees in New Alresford. Although he was named as one of the original co-opted trustees in the scheme of arrangement that founded the trust, he was never to view a copy of the document after it was sealed. He became ill in 1889 and died early in March 1890, aged only fifty-seven.⁵⁶

4.5 Conclusions

A typically muted corporation closure occurred at Yarmouth (Isle of Wight):

[At Yarmouth] the last meeting of the Mayor and Chief Burgesses was held on 27 February 1891. According to the minutes, it was not a gathering of either sentiment or interest. No mention was made of the town's historic past or to the distinguished men who from time to time who had acted as Chief Magistrate. A small amount of formal business was transacted, the Mayor

⁵⁴ *Hampshire Chronicle*, Saturday 7 June 1890.

1. The asterisks (*) indicate that these two individuals were brothers.

2. The occupations were taken from *Kelly's Directory of Hampshire* (London, 1890).

⁵⁵ HAMRO, 7M50/B1, New Alresford Town Trust: Trustees Minute Book 1890-1948.

⁵⁶ Memorial plaque placed on an internal wall of St John the Baptist's Church, New Alresford.

proposed a vote of thanks to the Town Clerk, a vote of thanks was accorded to the Mayor, and the curtain was rung down on the Borough of Yarmouth.⁵⁷

The ancient and unreformed corporations were abolished not with a bang of protest but with barely a whimper of regret. Protest at both local and national levels was muted and ineffective and the objections to abolition were few in number and mainly unsuccessful. It could be concluded that the general view taken by the residents in the towns concerned was that their ancient corporations had outlived their usefulness and could be discarded without so much as a backward glance to their history.

There was little urgency and poor organisation involved in the creation of the town trusts that absorbed the rights and assets of the corporations that were abolished. It took between two and five years to create the thirty-two charities that were all founded in the period 1888-91. This lack of urgency in the nine-year period from June 1882, when abolition was first known about, to April 1891, when the last trust of the period was founded, appears to indicate that the members of the old corporations were not strongly motivated to found town trusts.

The Charity Commissioners probably had the greater motivation in that they had an opportunity to corral a significant number of ex-corporation assets into the voluntary sector pen. However, through twenty-first century eyes, even the commissioners did not appear to approach their task with an urgency born of enthusiasm. Nor did they display professionalism throughout the period with their representatives often displaying a lack of preparation and a seeming unwillingness to brief former corporation members before convened meetings as to what was expected.

The semi-representative charity structure imposed by the Charity Commission did not result in mass participation at the open meetings convened to discuss the arrangements for the foundation of the town trusts. This was probably because these meetings were held during the working day. The vestry elections were also held during working hours and were similarly relatively poorly attended. In the case of New Alresford, this election was pre-arranged in advance by a small group of local people of influence, all of them male, and was undertaken by a show of hands rather than by ballot papers. It is likely that this process also occurred in other trust towns.

The process used to create the town trusts was obviously not intended to be a precursor to the onset of the democratic process at local level that occurred shortly afterwards in December 1894. At these first parish council elections ballot papers were commonly used and at all of them every male and female ratepayer had the right to vote.

⁵⁷ A.G. Cole, *Yarmouth, Isle of Wight* (Newport, I.O.W., 1946), 23.

The concept of the town trusts was a holding device, a semi-democratic process intended to satisfy some democratic leanings and then to find a home for the assets and rights of the old unelected corporations.

CHAPTER FIVE

WHY THE TOWN TRUSTS WERE FORMED AS CHARITIES?

5.1 Introduction

This chapter attempts to determine why the charity route was chosen as the main repository for the rights and assets of the ancient boroughs that were abolished by the 1883 Municipal Corporations Act (MCA). Before the advent of parish councils in 1895, there were four other possible options for such a placement. One was to deposit them with the vestries or bodies of churchwardens that existed in most of the towns concerned; a second was to use the Local Government Boards (LGBs) that had been established to implement, inter alia, improved sanitation under the 1875 Public Health Act; the third was to allow a borough corporation to continue in existence but to strip it of any municipal powers and the fourth was to transfer these rights and properties to the county councils that were formed in 1888.

5.2 Charities in the nineteenth century

The status of charities under English statute law had swung back and forth like an irregular pendulum in the centuries prior to the 1800s. Before the Reformation, charities were encouraged by law and most of them were based on the church. Henry VIII reversed that perception by his royal appropriation of charitable lands on the grounds of maladministration. In the Elizabethan age, the pendulum swung back again. At a time of a growing population, poor harvests and the financial strain of the Irish and Spanish wars, it was recognised that philanthropy could contribute to the alleviation of poverty. By an Act of 1601, charities were encouraged not only for the relief of poverty, but also for the advancement of education, for religious reasons or for purposes beneficial to a community.¹

In the eighteenth century the pendulum swung once more. At the time of an exceptionally anti-clerical parliament, the perception was that there had been too many death-bed bequests witnessed only by a rector. There was a fear that the church, as a perpetual body, was acquiring too much land. The 1736 Mortmain Act again reversed the status of charities. This statute ensured that lands were not bequeathed for charitable purposes unless they were executed by deed, with two signed witnesses, twelve months before the grantor's death.²

¹ Alastair Hudson, *Equity and Trusts* (London, 2009), 1012-51.

² Gareth Jones, *History of the Law of Charity, 1532-1827* (Cambridge, 1969), 6-25.

In the second half of the eighteenth and the first half of the nineteenth centuries, an increasing number of charitable groups emerged in Britain, particularly from the evangelical wing of the Church of England. The most famous were the Abolitionists, those behind the cause of anti-slavery, but this philanthropic urge spread into many corners of society. Amongst hundreds of others that were founded between 1760 and 1840, these charities included the Society for Superseding the Necessity for Climbing Boys, the Society for Returning Young Women to Their Friends in the Country and the Waifs and Strays Society which struggled to feed and accommodate a flood of neglected children in the growing towns.³

Most of the social reforms that passed through Parliament in the first half of the nineteenth century had at least some of their roots in evangelical philanthropy. The early Factories Acts, the 1834 Poor Law and the practice of sending missionaries to foreign countries are all examples of the meshing of Christian principles with charitable acts. It was believed that philanthropy and legislation could work hand-in-hand to serve the cause of social improvement and, as a result, lessen the threat of revolution.⁴

By the 1830s, in towns with no incorporation, there were four other alternatives to the system of local governance that had been developed. The first was submission to the county magistracy, the second was governance by the parish, usually through the church vestry, the third was the provision of a local service by means of a Local Act of Parliament and the fourth was to form a voluntary society to deal with a particular social problem by raising subscriptions. All four methodologies were common in themselves and a variety of combinations of them could be found together. Charities and local governance had therefore been linked for centuries.⁵

This was a time of a growing awareness of the divide between rich and poor and the development of a social conscience to do something about it. This was quickened by the rise of a distinctly nonconformist civic gospel, articulated in the 1840s and 50s by a group of prominent ministers. According to this gospel, for those who were able, it was a Christian obligation to address the social problems of the day. The growing view was that social distress was not the result of an individual's moral failing; the harsh urban environment was increasingly held responsible. By 1850, if a Victorian was rich enough not to have to work for a living, he, and in some cases she, was expected to perform good works at home or abroad, particularly if they were not serving society by being in public office.⁶

³ W.J. Reader, *Victorian England* (London, 1964), 100.

⁴ Walter Houghton, *The Victorian Frame of Mind, 1830-70* (Yale, 1987), 246.

⁵ Joanna Innes and Nicholas Barry, ch. 16 in Peter Clark, (ed.), *The Cambridge Urban History of Britain, Volume II, 1540-1840* (Cambridge, 2000), 532-6.

⁶ Matthew Roberts, *Political Movements in Urban England, 1832-1914* (Basingstoke, 2009), 87, 189.

Many such people went to work with a will in the charitable sector of Victorian society providing, *inter alia*, social housing, education, hospitals and even relief during times of industrial unrest. For example, in 1871 voluntary day schools were responsible for more than half of the total number of elementary school places in England and Wales.⁷ At the beginning of the third quarter of the nineteenth century, British philanthropy was probably greater than that of any other contemporary society.⁸ In the 1880s, it has been estimated that in London alone between £5 million and £7 million was being funnelled through charities each year, more than the total annual amount being expended on the Royal Navy.⁹ In 1911, the gross annual receipts of registered charities exceeded public expenditure on the poor law. The Victorian and Edwardian era was 'a golden age for charities' and it has been estimated that the middle classes spent a larger proportion of their income on charitable giving than on any other item in their budget except food.¹⁰

By mid-Victorian times the irregular pendulum of charitable law had swung once more; charities were back in statutory favour. To facilitate the rapid expansion in the number of voluntary sector bodies, and to improve their administration and regulation, no fewer than nine Charitable Trusts Acts were passed from 1853 through to 1869. The Charities Commission had been established in 1818, but it was not until the 1853 Charitable Trusts Act had been passed that it became a permanent institution, with its board members granted wide-ranging powers.

The legislation not only gave the commissioners investigation and audit rights over charities, it required that trustees obtain the consent of the board before they could sell land or property. One of its main objectives, therefore, was to preserve and protect the assets that were held in the sector that it was empowered to control.¹¹ Once an asset had been placed in the voluntary sector, it required the agreement of the trustees involved and the board of the Charity Commission before it could be moved into another societal sector, private or public.

In mid-Victorian society the broadly agreed aim of the state was to provide a framework within which a civilised society could function freely. Minimal, or certainly limited, central government was believed to be good central government.¹² Under the Gladstonian doctrine of Treasury parsimony, this minimalism meant that the upper and

⁷ Matthew Hilton, Nick Crowson, Jean-Francois Mouhot, James McKay, *A Historical Guide to NGOs in Britain, Charities, Civil Society and the Voluntary Sector since 1945* (Basingstoke, 2012), 14.

⁸ Norman McCord, *British History, 1815-1906* (Oxford, 1991), 346.

⁹ G.R. Searle, G.R., *A New England? Peace and War, 1886-1918* (Oxford, 2004), 192.

¹⁰ Matthew Hilton et al, *op cit.*, 14-16.

¹¹ Charitable Trusts Act, 1853 [16 & 17, Vict., c. 137].

¹² P. Thane, 'Government and Society in England and Wales, 1750-1914', in F.M.L. Thompson (ed.), *The Cambridge Social History of Britain, 1750-1950*, volume 3 (Cambridge, 1990).

middle classes were spared undue taxation and the working classes freed from undue interference.¹³ The idea of restrained governance was a key element in the 'liberal state' which had emerged by the middle of the century.

This was accompanied by political and social ideals which conceived liberty in terms of freedom from constraint. There can be little doubt that the quarter century after 1850 marked the high point of local power with little interference from the state in the centre. It is perhaps ironic that this occurred at the same time as the structure of local government was undergoing a set of highly complex and uncoordinated developments, with the creation of borough councils, Poor Law Unions, Improvement Commissions, Local Boards of Health, Highway Authorities and School Boards.¹⁴

A pivotal tenet of this laissez-faire liberalism was the development of a self-reliant populace. Typical of this attitude in the period were the self-help writings of Samuel Smiles:

Rely upon yourselves! Self-reliance, - that rising, animating, soul-stirring, heart-inspiring quality which whispers to a man; - no matter whether he be a shoemaker, a bricklayer or a mason. Look up! There's a brighter and a happier future before you.¹⁵

Smiles maintained that achievements made through self-help did not require any unusual degree of talent, merely honest hard work and perseverance;¹⁶ his message being that this was open to anyone, given the right motivation and effort. He and other influential Victorian writers argued that the progressive development of society ultimately depended not on parliamentary legislation, but on the prevalence of the practices of self-improvement.

Voluntary activity, undertaken as it was by freely associating and achieving individuals, was regarded as an intrinsic and permanent element of society.¹⁷ The conventional wisdom of the time was that private initiatives were better than governmental interference. Solutions to social problems were seen to lie in the fields of voluntary and local initiatives rather than in those of statutory or centralised agencies.¹⁸ Indeed many of today's most prominent charities were founded in this period; YMCA (1844); Dr Barnardo's (1866); NSPCC (1884) and National Trust (1895).¹⁹ The place of nineteenth-century charities was that of partners to the state machine rather than the subordinate position they acquired after the introduction of the welfare state in the mid-twentieth century.²⁰

¹³ Peter Clarke, *Hope and Glory, Britain 1900-2000* (London, 2004), 25.

¹⁴ K.T. Hoppen, *The Mid-Victorian Generation, 1846-1886* (Oxford, 1998), 106-7.

¹⁵ Samuel Smiles, *Self-Help* (London, 1859), 44.

¹⁶ Adrian Jarvis, *Samuel Smiles and the Construction of Victorian Values*, (Stroud, 1997), 52.

¹⁷ Alan Kidd, *State, Society and the Poor in Nineteenth-Century England* (Basingstoke, 1999), 2.

¹⁸ G. Finlayson, *Citizen, State and Social Welfare in Britain, 1830-1990* (Oxford, 1994), 98.

¹⁹ Graham Moffat, *Trusts Law* (Cambridge, 2009), 924.

²⁰ Kidd, *op cit.*, 65.

By the 1880s, therefore, charities were not only numerous and well-funded, they were also an integral part of Victorian society. As respected institutions their status had been ratified and strengthened many times by nineteenth-century parliamentarians and they were administered and controlled by a governmentally appointed body with wide-ranging powers that had been specifically crafted to ensure that charitable assets remained in the voluntary sector except in the most extreme of cases.

5.3 Town Trusts – examples of possible precedents

Voluntary societies and subscriptions flourished in a wide variety of nineteenth-century local governance fields. In the field of law enforcement for example they were used in the form of ‘societies for the reformation of manners’ and ‘societies for the prosecution of felons’. Crises of dearth or unemployment were often addressed in towns by the raising of special subscriptions; ‘strangers’ friend’ societies dealt with those outside the parish relief system; in the early nineteenth century, ‘visiting societies’ began to attend charity recipients in their homes.²¹

The legislators of the early 1880s would certainly have been familiar with the use that could be made of trusts for public benefit; the whole of the road turnpike system had been built in the eighteenth century using capital developed from this legal concept.²² However, these were not charitable trusts. The idea for creating town trusts on a charitable basis was not common before the 1880s, but it did have some precedents. The concept may have emanated from the City of Sheffield, from Newport (Telford and Wrekin), from West Looe (Cornwall) or from Caerwys (Flintshire).

The origins of the trust in Sheffield can be traced back to Norman times when the town’s feudal governor, Thomas de Furnival, agreed to set apart portions of the town’s land for common use. This agreement, known as Furnival’s Charter, was dated 10 August 1297.²³ This document was ratified on 14 June 1827 when royal assent was given to a Local Act of Parliament that was made law in the name of Sheffield Town Trust.²⁴ In 1873, under another Local Act, this trust became a registered charity accountable to the Charity Commission.²⁵ It is entirely conceivable that this 1873 local statute might have been within the recent purview of some of the Royal Commissioners when they came together in 1876 to review the status and practices of the unreformed corporations.

²¹ Innes and Barry, ch. 16 in Peter Clark, (ed.), *op cit.*, 535.

²² William Albert, *The Turnpike Road System in England, 1663-1840* (Cambridge, 1972), 14.

²³ J.D. Leader, *The records of the Burgery of Sheffield: commonly called the Town Trust* (Sheffield, 1897), xxii-xxiii. This document is still in the possession of the Sheffield Town Trustees.

²⁴ An Act for facilitating the execution of certain Trustees for Charitable and Other Purposes within the Town of Sheffield in the County of York, 1827 [7 & 8, Geo. IV, c.33].

²⁵ An Act to provide for the more effectual Application of Surplus Annual Income of the Sheffield Town Trustees, and for the Investment of their trust funds, and for other purposes, 1873 [36 & 37 Vict., c.11].

The Royal Commissioners of 1876-80 definitely did know of the town trust based in Newport (Telford and Wrekin). This was one of the 110 town corporations that they investigated during the period their committee was sitting. The following paragraph is taken from their report:

We were informed by the Rector of Newport, Mr Mountfield, that there was another public body existing in Newport called the Town and Marsh Trustees, who have the duty imposed upon them by an Act of Parliament of letting and enclosing some wastelands called 'The Marsh' and applying the income for the improvement of the town; the income being between £500 and £600 per annum.²⁶

This trust was originally responsible for enclosing and draining 117 acres of waste land, 'The Marsh', and renting it to tenants for growing crops or for grazing. The proceeds were appropriated for the keeping of the town's streets and the maintenance of the Market Hall and the Market Cross.²⁷ This trust remained in existence until 1930 when it was closed by another local act and its land and properties absorbed into Newport Urban District Council.²⁸

In West Looe (Cornwall), the town trust was established much more recently than in Sheffield or Newport, in 1874. It was recognised that the corporation had gone out of existence when the last mayor died in 1869. The assets of the corporation were firstly taken over by the Duchy of Cornwall but then it was realised that they were public assets that belonged to the people of West Looe.²⁹ A town trust was formed in 1874, with the trustees elected for the first time at a meeting of the church vestry on 12 February 1875.³⁰

At Caerwys (Flintshire) the corporation had ceased to function at some date since 1835. However, in the 1870s a group of local people had come together and raised the funds by public subscription to build a village hall which was opened in 1874. It was eventually realised by these individuals that there were advantages to be gained from forming a charity. Caerwys Village Hall Trust came into existence when an indenture was signed on 19 December 1883.³¹ Trustees are still elected today at a meeting to which all ratepayers are invited.³²

²⁶ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880, v. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011, www.parlipapers.chadwyck.co.uk

²⁷ SHROPA, NTM 1/6, Newport Town & Marsh Trustees, Minute Book, 1883-90.

²⁸ An Act to enlarge the powers of the mayor, aldermen and burgesses of the county borough of Newport with respect to their water electricity tramway and omnibus undertakings to make further provision for health local government improvement and finance of the borough and for other purposes, 1930 [20 & 21 Geo. 5. c. 79], 28 October 2011, www.parlipapers.chadwyck.co.uk

²⁹ Mark Camp and Barbara Beechwood Harper, *The Book of Looe, Tourism, Trawlers and Trade* (Wellington, 2007), 27.

³⁰ CORNRO, Borough of West Looe Vestry Book, 1871-1894, B/WLO 371. See also p. 99 above.

³¹ Copy of trust document sent to the author by Sandra Evans, Chair, Caerwys Village Hall Trust.

³² Email from Sandra Evans, Chair, Caerwys Village Hall Trust, 10 April 2013. See also p. 99 above.

Being possible precedents is the limit of the assistance that can be gleaned from these four town trusts for this research project. Neither the Royal Commission recommendations in 1880 nor the debates in Parliament that followed two and three years later made any mention of any of these four organisations and the constitutions of the thirty-seven trusts created in the aftermath of that 1883 Act did not mirror that of the trusts in these towns.

The constitution of Sheffield Town Trust states:

The qualification for becoming a Trustee, as well as for an Elector of the Trustees, is 'the possession beneficially of a freehold estate or interest in the land or tenements situate in the Township of Sheffield and residence in or the occupation of a rateable tenement in the Parish of Sheffield' as declared and enacted by the Sheffield Town Trustees Act of 1873. The Township of Sheffield comprises the Wards of St Peter's, St Philip's, St George's, and The Park as then constituted.³³

Sheffield Town Trust is a fully elective body, albeit only by its tenants. It has, in addition, always been completely independent of the council. This had been the case since the incorporation of the town in 1843. The minutes of the trust for 1953 contain the following item:

On Wednesday 4 November, the Town Trustees were received by the Lord Mayor, Aldermen and Members of the City Council, in full Council assembled in the Council Chamber at the Town Hall, on the occasion of the presentation by the Town Collector to the Lord Mayor of a silver Rose Bowl with two Vases in commemoration of the Coronation of Her Majesty Queen Elizabeth II. (This is the first recorded occasion of the Trustees being received by the Council or of any such joint meeting.)³⁴

Newport Town and Marsh Trustees were also elected by the tenants of 'The Marsh' and it was also completely separate from the parish council that came into being in the town in 1895. This remained the case until this trust was wound up in 1930.³⁵ In West Looe, the trustees are still today elected at a meeting of the church vestry summoned by the rector and in Caerwys at a meeting of the town's ratepayers.

By contrast, those charities established as a result of the 1883 MCA were usually managed, after the 1894 Local Government Act, on a semi-representative basis by a specified mix of trustees, which involved both elected councillors and volunteers. This mix of two types of trustee produced, and in some cases still produces, a set of tensions in local governance that are not present in Sheffield, West Looe or Caerwys today and were not present in Newport in the period 1895-1930.

³³ E. Bramley, *The Records of the Burgery of Sheffield: commonly called the Town Trust, 1848-1955* (Sheffield, 1957), xvi.

³⁴ *Ibid.*, 76.

³⁵ SHROPA, NTM 1/8, Newport Town and Marsh Trustees, Minute Book, 1928-30, (unpaginated).

5.4 The recommendations of the Royal Commission of 1876-80

The 1883 MCA enacted the recommendations of the Royal Commission of 1876-80. In recommending corporations for abolition, the commissioners were aware of the dilemma they faced in finding a home for assets and rights that these bodies owned. Their report was the start of a late-Victorian drive towards establishing improved local enfranchisement which embraced the 1882 and 1883 MCAs, continued with the creation of elected county councils in 1888 and the formation of representative district and parish councils in 1894. The dilemma the commissioners faced was due to the fact that no representative bodies existed in the towns concerned. They therefore had to find a political compromise for the public assets of the abolished corporations that reflected this desire to improve local enfranchisement.

The commissioners' options for such a representative compromise were limited. One alternative might have been to bequeath them to local vestries or to groups of churchwardens. However, this suggestion takes no account of the opposition of Liberals and non-conformists to a mass transfer of assets to the predominantly conservative Church of England. It is not surprising that this option was either not considered or rejected entirely.

Of the forty-eight abolished corporations that owned franchises and assets, the commissioners specifically recommended that one of them be absorbed into county local government. This was because they identified that the royal charter relating to the Liberty of Havering-atte-Bower (Greater London) did not refer to the town as a borough but as 'part of the County of Essex'.³⁶ This recommendation was not made for any of the other towns under investigation, probably because for centuries the ancient boroughs had been independent of their counties, the governance by which was viewed by them as interference and/or with suspicion.

A third alternative was to pass the rights and assets to the Local Government Boards (LGBs) that had been established in order to, *inter alia*, improve sanitation under the 1875 Public Health Act. LGBs, or Improvement Commissions, were established by Local Acts of Parliament outside reformed borough boundaries, as a municipal corporation was ostensibly responsible within its own borders. The commissioners specifically recommended that the assets of the corporations of Criccieth (Gwynedd) and Llanelli (Carmarthenshire) be transferred to the existing LGBs of Criccieth & District and Llanelli & District which had been established by Local Acts in 1873 and 1850 respectively.³⁷

³⁶ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880, xi-xii. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011. www.parlipapers.chadwyck.co.uk

³⁷ *Ibid.*

As well as the specific recommendations that they made for three of the towns they investigated, the commissioners included generic recommendations for the other forty-five corporations that owned rights and assets.

With a view to the future of local government in these last mentioned places [the boroughs recommended for abolition] it would probably be advantageous in many of them to appoint Local Boards under the Sanitary Acts for the districts which have hitherto formed the boroughs, either alone or in conjunction with other districts. Where such board is appointed, we think that the property now belonging to the corporations of such places might conveniently be vested in it. In places where it may not be convenient to establish Local Boards, it appears to us that it would be desirable that trustees be appointed for holding and administering the property of the corporation; that the manner of appointing such trustees and schemes for administering the property should be settled by the Charity Commissioners and that upon the appointment of these trustees the property now vested in the corporations should be transferred to them.³⁸

This wording indicates that the commissioners' preferred option was to place the rights and assets of the abolished corporations with the already established LGBs or with new LGBs created specifically for this purpose. As a subsidiary alternative, when and if the first suggestion was not convenient, only then did the commissioners recommend placing the assets and rights with town trusts reporting to the Charity Commission.

When the MCA was passed in June 1883, however, the order in which the two options were stated had been reversed. Clause 3(b) below placed more emphasis on the charity route:

All property of any corporation in the place which is dissolved by this Act, or of any person as a member or officer thereof, or of any court or judge whose jurisdiction is abolished by this Act, shall be applied for the public benefit to the inhabitants of the place in such manner as may be for the time being provided by a scheme of the Charity Commissioners, or, in a case where a scheme is made by the Local Government Board, by that scheme, and shall vest in such persons or body corporate as may be specified in such scheme.

In addition, the option of placing such properties with an LGB was tightened and made more restrictive by the statute's clause 7(1):

Where any part of any of the places mentioned in any of the schedules of this Act is comprised in a district of any Local Board or Improvement Commissioners, whether established before or after this Act, and Her Majesty is not pleased to grant a charter to such place, the Local Government Board, after such local enquiry as they think expedient, may, at any time before any corporation in the said place becomes abolished by this Act, make such scheme as might be made by the Committee of Council under part eleven of the Municipal Corporations Act, 1882.³⁹

³⁸ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880, xi-xii. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011. www.parlipapers.chadwyck.co.uk

³⁹ Both clauses have been taken from the Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

The wording of this clause implies that the responsibility for such an initiative was placed with the LGB, not with the corporation scheduled for abolition. The control of the matter, as far as the LGB option was concerned, had been taken out of the hands of the members of the old corporations.

The two clauses quoted above were included in the first bill introduced by Lord Rosebery to the House of Lords in 1882.⁴⁰ There is no evidence in *Hansard* that the options recommended were ever challenged or altered in Parliament; they remained unchanged throughout the enactment process. At some time, therefore, between the presentation of the Royal Commissioners' report in February 1880 and the introduction of the first bill in May 1882, the emphasis regarding the transfer of the ownership of the properties of the abolished corporations had changed. This cannot have happened by error; it would have been easier to draft the bill using the Royal Commission's full recommendations. There can be no doubt that the charity route for the placement of the assets of the abolished corporations was deliberately chosen by the parliamentary draughtsman.

5.5 Sir Charles Dilke

Without a doubt, that parliamentary draughtsman was Sir Charles Dilke. As a lawyer and a leading politician, he would have known about, and been familiar with, the development of charity law and the rapid expansion of the voluntary sector during his lifetime (1843-1911) and this apparently influenced the decision he made in 1881 when drafting the bill that abolished the rump of the seventy-six unreformed corporations.

On 29 February 1876, when Dilke made his major speech about the abuses of the unreformed boroughs that he had investigated,⁴¹ he offered not only an outline of the corruption and mismanagement problems caused by these ancient corporations but also a solution. Dilke finished his address to the Commons with a question to the Attorney General. He asked if it would be possible to prosecute the offending corporations under the terms of the Charitable Trusts Acts 1853-69.

His grounds for making this suggestion was that some of the activities of these ancient corporations had been specifically placed under the jurisdiction of the Charity Commissioners in 1853, most notably the administration of the charitable trust funds they controlled for the distribution of alms to the poor.⁴² Dilke went further; quoting from the 1601 Charitable Uses Act, he stated that all of the properties held by the unreformed corporations could be deemed charitable as they were all held for the relief of poverty, for

⁴⁰ Parliamentary Papers, House of Lords, Bills, 4 May 1882, 5 January 2012, www.parlipapers.chadwyck.co.uk

⁴¹ See pp. 86-7 above.

⁴² Stephen Porter, *Exploring urban history, sources for local historians* (London, 1990), 95.

the advancement of education, or for purposes beneficial to a community. Dilke finished his speech by requesting that the Charity Commissioners should write to the offending corporations asking for explanations as to why all their properties were not held for charitable purposes. These explanations, or the lack of such, he implied would give the Attorney General grounds for prosecution. His final request was that his 'honourable friend' act as he had suggested.

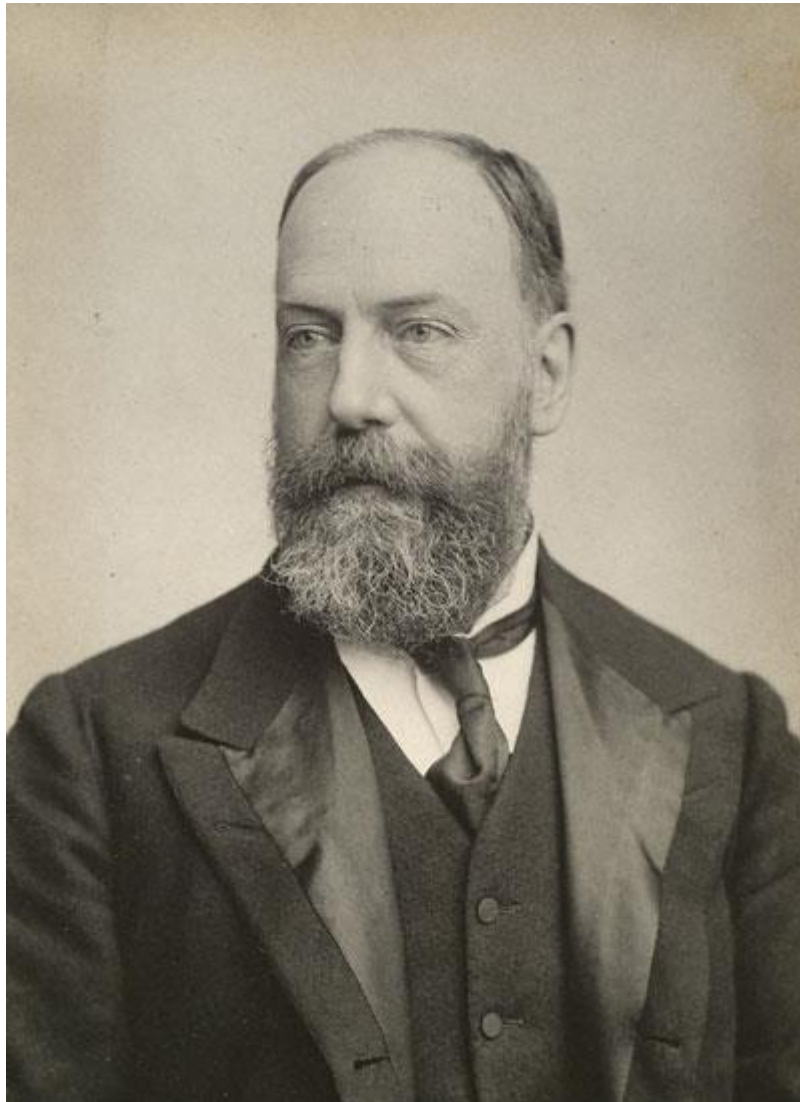


Illustration 14: Sir Charles Wentworth Dilke, Bart, 1843-1911.

The Attorney General replied that borough corporations were not charitable trusts and that whilst some of their activities were indeed charitable, and therefore came under the auspices of the Charity Commission, all other corporation responsibilities could not be so deemed. He declined to act as Dilke had suggested. Although this reply was undoubtedly legally correct, the follow-up remarks by MPs in this debate revealed that the sympathy of

the House lay with Dilke rather than with the interpretation of the Attorney General.⁴³ From the outset in 1876, therefore, Sir Charles Dilke had linked the problem of the municipal reform of the ancient borough corporations to a charitable sector solution and his suggestion had received a favourable response from his fellow MPs.

Further evidence also exists that Dilke preferred the charity route. In April 1883, the MP for Rye (East Sussex), a Queen's Councillor named Frederick Inderwick, made a passionate case that the nearby borough of Winchelsea should be allowed to retain its corporation status in order that it could continue to fulfil its ancient traditions as a member of the medieval Cinque Ports Confederation.⁴⁴ Inderwick managed to persuade the House that it was unthinkable that this ancient confederation should lose one of its original seven Head Ports.⁴⁵ The following is Clause 14 of the 1883 Act that was added at a committee stage. It was entitled in the margin of the statute as 'Saving as to Winchelsea'.

In the event of a charter not being granted to Winchelsea, the property of the corporation of Winchelsea shall continue to be held, managed, and enjoyed as heretofore, in like manner as if a scheme of the Charity Commissioners, in pursuance of this Act, had provided for such holding, management and enjoyment, and for that purpose the corporation of Winchelsea shall continue undissolved in like manner as if it were constituted by the said scheme; and, notwithstanding anything in this Act, Winchelsea shall continue to be entitled an ancient town of the Cinque Ports.⁴⁶

Winchelsea, together with Laugharne and Malmesbury were the only three ancient corporations that were allowed to remain in existence after the 1883 Act, albeit without any municipal powers.⁴⁷ It should be noted, however, that Clause 14 quoted above relating to Winchelsea, and Clause 20 which related to Laugharne and Malmesbury, both stipulated that the corporations had to be managed as if a scheme of the Charity Commissioners was in place. There is no mention of them having the option of operating as if an LGB scheme had been initiated. These clauses, added after the main body of the statute had been crafted, as a result of queries and protests from fellow MPs, again show that Dilke definitely preferred the voluntary sector as the repository for the assets of the abolished corporations.

As stated earlier, in December 1882 Sir Charles Dilke was promoted to become a member of Gladstone's second cabinet as President of the Local Government Board and was

⁴³ All of section 6.5 to this point is taken from Parliamentary Papers, House of Commons, *Hansard*, 29 February 1876, 4 January 2012, www.parlipapers.chadwyck.co.uk

⁴⁴ Parliamentary Papers, House of Commons, *Hansard*, 30 April 1883, 17 January 2012, www.parlipapers.chadwyck.co.uk

⁴⁵ It could be argued that the Winchelsea was fortunate to gain exemption because two other Cinque Ports (although not head ports), Pevensey and Seaford, both had their corporations abolished under the 1883 MCA. Malcolm Pratt, *Winchelsea, A Port of Stranded Pride* (Bexhill on Sea, 1998), 78.

⁴⁶ Municipal Corporations Act, 1883 [46 & 47, Vict., c. 18].

⁴⁷ See pp. 23-4 above.

in a position of considerable influence.⁴⁸ In the period 1882-6, he maintained his interest in the issue of the unreformed corporations and, as a lawyer who had graduated with the highest distinction open to a student,⁴⁹ he was in the habit of drafting his own bills.⁵⁰

In a Parliamentary session [1880-1] that was marked by so much that was inconclusive, Sir Charles had the satisfaction of recording in his diary one piece of progressive legislation that was all his own. In April 1881, he had got ready his Bill for putting an end to the Unreformed Municipal Corporations and thus carrying out the policy which he had recommended whilst in Opposition.⁵¹

Dilke was in a position, and seemingly of a mind, to change the order of the recommendations made by the Royal Commissioners. When he re-introduced his bill to the Commons in April 1883, he reassured the House that, 'the bill is substantially in the form of the Royal Commission recommendations and exactly in the same form as the bill which passed the House of Lords last year'.⁵² This statement could be read as Dilke wishing to conceal the fact that he had changed the order of the commissioners' recommendations. His parliamentary colleagues, however, did not pursue him on this point.

Dilke did not record the reasons why he wanted to influence the potential home for the rights and properties of corporations that his Act was intending to abolish. His papers, now deposited in the British Library, contain no comments on this subject.⁵³ In the sixty-two letters that Dilke wrote in the period 1870-84 to his best friend in politics, Joseph Chamberlain, there is no mention of the subject matter of the 1883 MCA or the statute itself.⁵⁴ If Sir Charles did have a hidden agenda, it died with him in 1911 and his motives were never questioned by others either inside or outside the Houses of Parliament. This forces a researcher to speculate.

Although he could not have predicted when it would happen, Dilke would have been well aware of the Liberal drive in the 1880s to introduce representative reforms to both county and parish governance. As early as 1881, a bill had been drafted for the introduction of county councils by J.G. Dodson, the man he replaced as head of the central Local

⁴⁸ See pp. 91-2 above.

⁴⁹ Roy Jenkins, *Sir Charles Dilke, A Victorian Tragedy* (London, 1958), 26.

⁵⁰ David Nicholls, *The Lost Prime Minister, A Life of Sir Charles Dilke* (London, 1995), 122.

⁵¹ Stephen Lucius Gwynn, *The Life of The Rt. Hon. Sir Charles W. Dilke VI* (London, 1917), 377.

⁵² Parliamentary Papers, House of Commons, *Hansard*, 30 April 1883, 17 January 2012, www.parlipapers.chadwyck.co.uk

⁵³ Dilke's diaries were engagement books, containing appointments and occasional personal notes, rather than being intended as the basis for a later autobiography. He also lacerated them; cutting out sections of pages after appointments had taken place. Dilke's family probably also cut out sections after his death in order to protect his reputation following his involvement in an infamous 1886 divorce case. They had plenty of opportunity to do so because his personal papers were not placed in the public domain (The British Museum) until 1954. The April 1881 diary entry about the Unreformed Municipal Corporations Bill referred to by Stephen Gwynn, who was writing in 1917, cannot be traced amongst Dilke's papers today. Neither was a reference to this bill found in the papers of Stephen Gwynn or those of Gertrude Tuckwell, Dilke's niece who was favoured in his will.

⁵⁴ Cadbury Research Library, University of Birmingham, Joseph Chamberlain Collection, JC 5 24/1-554, Correspondence with Sir Charles Dilke.

Government Board. It was dropped the same year due to Parliament's preoccupations with Egypt and Ireland.⁵⁵ In 1882-3, a powerful cabinet committee of Chamberlain, Kimberley, Childers and Carlingford, with Dilke as chairman, produced a reforming scheme that featured prominently in the Queen's Speech at the beginning of the 1884 session. If it had been passed, most of the reforms of the Local Government Acts of 1888 (counties) and 1894 (districts and parishes) would have been introduced much earlier. This initiative was also abandoned, being deemed too controversial to be introduced in the same year as an expansion of the parliamentary franchise that became law in 1884.⁵⁶ Dilke was wedded to, and an integral part of, the Liberal drive towards the concepts of uniform, representative and efficient local government.

Today, it could be regarded as ironic that the radical Dilke was the main player in ensuring the perpetuation of a system that produced the control of public assets by unelected trustees. It could be judged that his actions ran counter to his reforming principles. The questions that this begs is why Sir Charles was so committed to the apparently laissez-faire policy of placing the rights and properties of the abolished corporations outside of local government and why he was so committed to placing them inside the voluntary sector?

Three reasons could be seen as possibly significant. The first of them could have emanated from a consideration of the imposition of the associated costs on the rate payer. If the properties of the abolished corporations were passed to LGBs, not only would rate payers in the towns involved have to bear the burden, but also those in the whole of the district in which the board was situated.⁵⁷ A placing of these assets in the charitable sector ensured that no costs would be borne by rate payers and consequently forestalled any such financial objections.

A second interpretation of Dilke's actions could be that he feared an adverse reaction in the towns concerned if the assets of the abolished corporations were not to be kept under local control as they had been for centuries. The charity route overcame this potential objection by ensuring that members of each local corporation had to apply to the Charity Commission for permission to place them into a trust. It also ensured that there was a continuity of asset management as some of the existing corporation members could be expected to become trustees of the charity once it had been established.

⁵⁵ Nicholls, *op cit.*, 122-3.

⁵⁶ Jenkins, *Sir Charles Dilke*, 173.

⁵⁷ This is what happened at Seaford where a new District LGB was formed in 1885. The old corporation members were concerned that the Seaford debt incurred by improving drainage in the town did not fall on the whole of the District of Seaford and East Blatchington.
ESUSRO, SEA/11, Seaford Borough, Court Book, 1863-86, (unpaginated).

A third possible reason is that Dilke was driven by his radical beliefs. His reforming zeal was to make all corporations uniform, representative and free of corruption. Undoubtedly, he perceived most of the unreformed corporations as inefficient, corrupt and run by individuals with vested interests. As such, Dilke might have thought of the bodies that had been recommended for abolition as dishonourable and undeserving of government financial support in any form. His objective may have been to banish these assets from the local government sector completely because he deemed the members of the corporations unworthy.

5.6 The results of Dilke's decision

Forty-five of the seventy-six corporations that Dilke caused to be abolished owned franchises, land and properties on behalf of the residents in the towns concerned. However, in only eight cases were these assets and rights allowed to remain within the public sector. The properties of one of them, Cowbridge (Vale of Glamorgan), after a successful rate payers' petition to the Privy Council resulted in a reformed borough charter, were transferred to a newly elected borough council in April 1887.

The three corporations that had been the subject of specific Royal Commission recommendations were all enacted - the assets of Havering-atte-Bower were transferred into the county governance of Essex in 1888 and those of Criccieth and Llanelli were moved into the LGBs, which were already centred on these towns, in March 1886. Of the remaining forty-one, however, only the properties and franchises of the corporations at Great Dunmow (Essex), Newport (Telford and Wrekin), Seaford (East Sussex) and Usk (Gwent) were passed to LGBs.

An LGB had been based in Great Dunmow since the 1840s,⁵⁸ at Newport since 1875⁵⁹ and at Usk since 1873⁶⁰ – and the assets of these old corporations were transferred to their respective LGBs, with no expense involved, on 25 March 1886.⁶¹ The only new LGB, formed under the provisions of the 1883 MCA, was in relation to the town and port of Seaford and this was created by a Local Act of Parliament on 9 August 1885.⁶²

It is not known why the Seaford corporation members chose the LGB option, only that they were determined to do so. Their minutes of 1 July 1882 read:

⁵⁸ Dorothy C. Dowsett, *Dunmow Through the Ages* (Letchworth, 1967), 143-5.

⁵⁹ An Act to confirm certain Provisional Orders of the Local Government Boards relating to the Boroughs of Abingdon, Basingstoke, the Districts of Behesda, Bognor, Bournemouth, and Calne and Marsden, the Borough of Derby, the Districts of Ebbw Vale, Gildersome, Heston and Isleworth, Hitchin, Malvern, *Newport (Salop)*, the Runcorn Union, Sandown and Thornhill, 1875 [38 & 39 Vict., P. clxxvi].

⁶⁰ Sir Joseph Bradney, *A History of Monmouthshire*, Volume 3, The Hundred of Usk (Part 1), 20.

⁶¹ Prentice, *op cit.*, 82; Dowsett, *op cit.*, 143-5.

⁶² An Act to confirm the Order of the Local Government Board under the provisions of the Municipal Corporations Act of 1883 relating to the Town and Port of Seaford, 1885 [48 & 49 Vict., P. cv].

It was resolved unanimously that steps shall be taken ... with a view to vesting the property of this corporation in a Local Board, should one be formed, instead of it being taken over by the Charity Commission. Such property to be applied by the Board for the public benefit of the inhabitants of as much of the parish of Seaford as shall be included in the Local Government District.

On 3 November 1883 the members resolved to write formally to the central LGB in London, of which Dilke was in charge, requesting that a scheme be made under the seventh section of the 1883 Act.⁶³ Dilke must have been sympathetic to this request and given his permission for the necessary Local Act to be prepared. After its passing, at a meeting on 22 March 1886, the Seaford Corporation members resolved that their organisation be formally abolished and that its property, mace, seals and funds be handed over to the Local Board of the Seaford and East Blatchington District. This LGB accepted these assets three days later, like its equivalents in Great Dunmow, Newport and Usk, on 25 March 1886.⁶⁴

It is a reasonable question to ask why other corporations that were scheduled for abolition in 1886 did not follow the same path as Seaford. It would have meant that local government was preserved in the town concerned, that rates could have been raised and that former corporation members could apply for board positions with more than a decent chance of being elected.⁶⁵ The answer to this conundrum does not lie in a population differential; the population of Seaford was only 1,674 at the 1881 census and this quantum was similar to many of the other towns featuring abolished corporations.

The answer most probably lies in the cost involved of getting a Local Act through Parliament in the 1880s. At that time the costs of running both of the Houses at Westminster were defrayed by charging fees for the passing of local and private legislation.⁶⁶ This quantum, of course, did not include any lawyers' fees incurred through the drafting and re-drafting of the bill in question. An unopposed Act cost nearly £1,000 and the smallest hint of opposition trebled or quadrupled this amount.⁶⁷ Unlike Seaford Borough Corporation, which had strong cash reserves that had been derived over time from the letting of more than thirty-two acres of land adjacent to the seashore and the town centre,⁶⁸ the parliamentary and legal fees would have been beyond the means of most of the other abolished corporations in the 1880s.⁶⁹

⁶³ ESUSRO, SEA/11, Seaford Borough, Court Book, 1863-86, (unpaginated).

⁶⁴ *Ibid.*

⁶⁵ ESUSRO, SEA/665-678, Nomination Papers for Positions on the Local Board of Seaford and East Blatchington District, Election to take place, 25 August 1885.

⁶⁶ Francis Clifford, *A History of Private Bill Legislation*, Volume 2 (London, 1887), 750-1.

⁶⁷ Edwin Chadwick, 'The Evils of Disunity in Central and Local Administration', *Nineteenth Century Social Reform*, Volume 1 (London, 1885), 16.

⁶⁸ Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880, xi-xii. Report of the commissioners appointed to inquire into municipal corporations not subject to the municipal corporations acts, (other than the City of London), 28 October 2011. www.parlipapers.chadwyck.co.uk

⁶⁹ See p. 123 above.

This logic is also indicative of the fact that Sir Charles Dilke did not want these assets in the public sector. He could have facilitated one single unopposed bill that could have led to a Local Act to establish LGBs in all of the towns featuring abolished corporations. A share of the parliamentary and legal costs spread between more than forty of the corporations would have been financially bearable. This had been done on at least two occasions before 1883 to establish LGBs in multiple towns and districts following the 1875 Public Health Act.⁷⁰

These precedents were, however, seemingly ignored by Sir Charles Dilke and the assets and rights of the remaining thirty-seven former boroughs all ended up in the voluntary sector as specified by Clause 8 (5) of the 1883 MCA. It must also be significant that the Charity Commission did not charge the abolished corporations for creating the schemes of arrangement to form the charities into which their assets and franchises could be placed and maintained.

Dilke therefore can, and should, be regarded as the founding father of all thirty-seven of the charitable trusts that were established in the aftermath of the legislation that he both instigated and carried through to completion. If the properties and rights of the abolished corporations had been passed into county governance they would have been subsumed by the county councils that were established by the Local Government Act of 1888. If they had been transferred to LGBs, they would have been subsumed into the urban or rural district councils which were set up by the Local Government Act of 1894. At Usk (Gwent) the local government board continued to govern the town until 1894 when it was superseded by Usk Urban District Council. The minutes of the LGB from 1890 to 1894 and the minutes of the UDC from 1894 to 1898 follow each other in the same minute book.⁷¹

The assets of eight corporations therefore remained in the local government sector with publicly accountable bodies. By contrast, the properties of thirty-seven other ancient boroughs were placed in the voluntary sector, accountable only to the Charity Commission and subject to charity law; all of them managed by boards of trustees that included unelected members.

⁷⁰ (i) An Act to confirm certain Provisional Orders of the Local Government Boards relating to the Boroughs of Abingdon, Basingstoke, the Districts of Bethesda, Bognor, Bournemouth, and Calne and Marsden, the Borough of Derby, the Districts of Ebbw Vale, Gildersome, Heston and Isleworth, Hitchin, Malvern, Newport (Salop), the Runcorn Union, Sandown and Thornhill, 1875 [38 & 39 Vict., P. clxxvi].

(ii) An Act to confirm certain Provisional Orders of the Local Government Boards relating to the Local Government Districts of Bridlington, Dinas and Grange, the Borough of Hastings, and the Local Government Districts of Pudsey, Tunbridge Wells and Whittington, 1877 [40 & 41 Vict., P. cxxv].

⁷¹ GWENTA, A 550/M/1, Minutes of the Usk Local Government Board, 1890-94, Minutes of the Urban District Council of Usk, 1894-98.

5.7 Conclusions

The MCA of 1883 was part of a late-Victorian drive towards establishing improved local enfranchisement which started with the Royal Commissioners report of 1880 and continued through to the creation of county councils in 1888 and the formation of parish councils in 1894. In this context, it could be argued that the 'Dilke Act' was a bad piece of legislation because it failed to anticipate the creation of parish councils. Dilke was certainly aware of this Liberal intention and he had chaired a cabinet committee that had drafted a bill to this effect.

This, however, could be perceived as 'nitpicking' at one detail of a reforming statute that achieved most of its aims. For the abolished corporations that owned land, property and trading rights, a political compromise had to be found. This compromise was used in only thirty-seven cases and involved the transfer of small amounts of land, a few buildings and small financial turnovers from trading rights in what must have been perceived as insignificant towns. Having determined to place these assets in the charitable sector, Dilke did at least try to ensure that there was both continuity of asset management, in that some of the local burgesses were still in place, and that the more representative element of the trustees were in a majority. In these contexts the statute can hardly be branded a faulty piece of legislation; it must be deemed successful when judged against the totality of its stated aims.

Dilke's grounds for placing the assets of the abolished corporations with semi-representative trusts must have been partly determined by the fact that the charitable activities of the unreformed corporations, the funds they had been bequeathed by wealthy individuals for the distribution of alms to the poor, were already under the auspices of the Charity Commission and had been since 1853. In small part these old corporations already had an existing relationship with the commissioners as they produced annual returns for scrutiny about each of their alms charities.⁷²

Again, in support of Dilke, it must be stated that the case law concerning charities was centuries old; charities were well respected institutions that had been ratified often in nineteenth-century Parliaments and that there was an established prosecution procedure that could be invoked by the Attorney General for the mismanagement of voluntary sector assets. By contrast, the central Local Government Board was only formed in 1871, when the Poor Law Board, the local government section of the Home Office and the medical department of the Privy Council were put together.⁷³ The creation of multiple LGBs in the provinces effectively had to wait until the 1875 Public Health Act gave them responsibilities

⁷² Mark Girouard, *The English Town* (New Haven, 1990), 28.

⁷³ Sir Robert Ensor, *England 1870-1914* (Oxford, 1932), 23.

for sanitation. It is therefore perhaps understandable that in 1881 even the radical Dilke opted for what was tried and tested rather than an LGB system that was only six years old.

In making his decision, Dilke probably had two objectives in mind. Not only were the unreformed corporations to be abolished but also, if their rights and assets were to be permitted to continue to exist, they were to be deposited into the charity sector for the foreseeable future. As a lawyer, Dilke would have known that it would be difficult for the rights and assets of the abolished corporations ever to be returned to the realms of municipal government. Although Dilke did not record the reasons behind his decision, logic can be found behind his intentions. The rights and assets of the ancient boroughs were destined *not* to be a drain on the rates and neither were they to be eligible for grants or other kinds of government support.

Dilke probably did intend that the thirty-seven town trusts formed in the wake of his Act be self-standing and financially self-reliant, completely independent of local government and the rates. These charities, once they were constituted, became totally dependent on the revenues that they could derive from renting out the land and buildings that they owned and/or from ancient franchises such as charging tolls at a town's markets and fairs.

There is, however, also a case that can be constructed against Sir Charles Dilke. Through twenty-first century eyes, his intention to reform the unelected, and in some cases corrupt, corporations as soon as it was politically possible to do so was laudable. With the same hindsight, however, it undoubtedly would have been better if he had waited until the democratic parish and district councils, which his Liberal government intended to introduce in the near future, had been in place to receive the assets and franchises of the corporations he caused to be abolished. In this context, Dilke can be found wanting in that he undertook his municipal reforms in the wrong order.

Accepting the fact that some of the town trusts that Sir Charles created have developed to point of usefulness as time has passed, the semi-representative compromise that he instigated in the 1880s has left an uncomfortable and an expensive local government legacy in a number of towns. The fact that this legacy can still be felt in the twenty-first century is due to the strength of charity law in the late nineteenth century, its development since then and the protective attitudes of the Charity Commission towards assets in the voluntary sector. It is these factors that have ensured the longevity of the majority of town trusts that were created in the wake of the 1883 MCA.

CHAPTER SIX

WHY THE TOWN TRUSTS SURVIVED?

6.1 Introduction

Of the total of thirty-seven town trusts formed by the 1883 Municipal Corporations Act (MCA) thirty still survive today (2014) with similar, if not quite the same, semi-democratic structures that they obtained soon after they were first founded.¹

It could be argued with conviction that society at local level in England and Wales moved on to a fully democratic basis with the passing of the 1894 Local Government Act which established parish councils.² It could also certainly be moved in debate, with an expectation of success, that 1918 represented a major milestone in the expansion of female parliamentary enfranchisement and that full voting equality between the sexes at national level was achieved at national level in 1928.³

And yet, despite these moves to a full democratic process at both national and local voting levels, the thirty-three town trusts that were *not* established on a fully democratic basis soon after the 1883 MCA remained in existence and, even further, four new ones were established on the same semi-representative basis at Chipping Sodbury (South Gloucestershire) in 1899, at Midhurst (West Sussex) in 1910, at Clun (Shropshire) in 1924 and at Berkeley (Gloucestershire) in 1958.⁴

This chapter seeks answers to the question, 'Why have so many of these semi-democratic town trusts survived?' The first and obvious reason is that all of the surviving organisations have remained financially viable; none of the group of thirty has been forced to file for bankruptcy. Both of the town trusts that have been closed together with four of the five trusts that have been fully subsumed into their local councils were in financial difficulties at the time of their closure or take over.⁵

A second, and again obvious, reason for the high survival rate is that for most of their existence the surviving trusts have all found ways to attract trustees who have been willing to serve on their boards: both the volunteers who have filled the co-optative (or co-opted) roles and local councillors (or their nominees) who have served as the representative trustees. The only trust to have been taken over for non-financial reasons was at Orford

¹ See pp. 115 above.

² Josef Redlich and F.W. Hirst, *The History of Local Government in England* (London, 1901), 220.

³ G.R. Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 831.

⁴ See pp. 104-11 above.

⁵ See pp. 115 above.

(Suffolk) where it was a lack of trustees willing to serve that led to the parish council subsumption in 1972.⁶ There are, however, other reasons that lie behind this high survival rate and the first of them that needs to be considered is the commitment shown by some of the first generation of town trustees.

6.2 The first generation of town trustees

In most of the trust towns the first generation of the town trustees included some former burgesses of the abolished and undemocratic corporations, many of whom were in positions of considerable local influence. These men (and they were all men) were individuals who did not necessarily believe in democracy at a local level. Their loyalty was to their old institution and dated back to a time when they had been in charge of the governance of their town. These former burgesses transferred their loyalties to the town trusts that they had helped the Charity Commission to establish. They were determined to ensure that these new charities were not going to fail.



Illustration 15: The Bailiff & Burgesses of the Corporation of Garstang (Lancashire) 1870. Seated: (l to r), W. Fowler, Dr W. Chapman JP (Bailiff), I. Smith. Standing: T. Walmsley, J. Crozier, J. Noble, J. Storey. Inset : J. Hartley. Photograph reproduced with the permission of Kate Rowe, Clerk, Garstang Town Trust.

Written on the back of the photograph above are the words:

⁶ See p. 46 above.

When the old and unelected corporation of Garstang was abolished in 1886, the former burgesses maintained an administration until the Charity Commission created a new body, Garstang Town Trust in 1889, to take over the municipal assets and duties. In order to preserve some continuity, four of the former burgesses were approved as co-opted trustees on to the town trust. The four were Dr W. Chapman JP, J. Hartley, J. Storey and W. Fowler.

Following the example set by the burgesses of the abolished corporations and in the absence of any other guidelines from the Charity Commission, the first generation of unelected co-opted town trustees tended to serve for the duration of their lives or at least until they were physically incapable of attending any more meetings. This meant that some of them, like the four men mentioned above, were in post as town trustees for a considerable length of time.

The first four town trustees in New Alresford (Hampshire) were former burgesses Dr Charles Covey, Charles Hunt, his brother William Hunt and John Ridley Shield. Charles Hunt served as a trustee until his death in 1906, Dr Covey until he died in 1912 and William Hunt until his demise in 1914. It is, however, the last of this quartet, John Ridley Shield, a local solicitor, who can be regarded as an extreme example of the genre described in the two paragraphs above.

Shield was eighty-six years old when he died in post in 1939 as the chairman of his local town trust. Having served as a burgess for eleven years before he helped to form the town trust in 1890, he remained a town trustee for another forty-nine years, putting in a total of six decades of public service. Six times his eight-year term as a co-opted trustee had ended and he had always put himself forward for re-appointment. No one ever objected and no individual ever stood against him and his fellow trustees annually re-elected him forty-nine times as their chairman.

Shield was anti-parish council. He stood as a candidate (one of twenty for eleven positions) at the first election in December 1894 and was unsuccessful; he never stood again – one humiliating rejection at the ballot box was enough for him. Such was Shield's determination that his town trust would survive that throughout a life-long involvement, his solicitor's office served as the correspondence address for the trustees and as the venue for their meetings; his strong room was used as a repository for the records of the previous corporation and he provided the services of his chief legal clerk to deal with all of the town trust secretarial work.⁷

Remembering Shield in the 1920s, local historians Amelia Godwin and Isabel Sanderson both described him as having a commanding presence emphasised by a

⁷ HAMRO, 7M50/B1, New Alresford Town Trustees Minute Book 1890-1948 (unpaginated).

monocle.⁸ He featured on many local committees. He was chairman of the Alresford Waterworks Company which was successful in providing the town with a reliable emergency water supply in 1903 and he served as Chief Fire Officer of the local brigade until 1919.⁹ As a churchwarden, he provided St. John's Church with wrought iron gates to the churchyard and his name still features on the captains' board at Alresford Golf Club. Sanderson commented that little happened in the commercial or social life of the town without his involvement.¹⁰ The picture that emerges from the town trust minutes is of a man of considerable stature, an individual who was used to getting his own way and one that few in the town would have dared to oppose.¹¹



Illustration 16: John Ridley Shield, New Alresford Town Trustee, 1890-1939.

⁸ Amelia Godwin, *Alresford Remembered... looking back with pleasure* (New Alresford, 1996), 68;

Isabel Sanderson, *Dwellings in Alresford*, Booklet 10 (New Alresford, 1984), 43-4.

⁹ Alex Hankin, 'New Alresford Parish Council', *Alresford Displayed*, 81, Issue 19 (New Alresford, 1994).

¹⁰ Sanderson, *op cit.*, Booklet 10, 43-4.

¹¹ Brian Rothwell, 'The Impact of the 1883 Municipal Corporations Act on Local Government in New Alresford' (unpublished dissertation, University of Winchester, 2011), 60.

This commitment to the town trust was even extended into the next generation. Shield had four sons and the eldest of them, George Eustace Ridley Shield, followed his father into the legal profession, into his father's business and on to the town trust. George Shield's involvement with the trust started as early as 1908 when, as an office junior in the family firm, he was appointed clerk to the trustees. He became a co-opted trustee when a vacancy arose in 1914 and after his father died in 1939 he took over as chairman, a post to which he was annually re-elected until he fell terminally ill in 1964.

For seventy-four years the Shield family dominated the town trust in New Alresford. Two generations provided a leadership that very few in the town were prepared to question, let alone oppose. It is significant that the group of trustees who served with Shield junior were not prepared to discuss closing down the trust until after he had died in March 1967.¹² By then though, the town trust was considered part of the 'quaint and quirky' history of the town; one of those oddities that made New Alresford different and special and the trustees opted to keep it open in 1967 in spite of a much diminished income stream and a reduced workload.¹³

This level of commitment by former burgesses was common and was repeated in many of the trust towns. The former members of the corporations abolished by the 1883 MCA, who were all locally influential men, ensured that the town trusts established as a result of the 1883 statute survived for long enough for them to be considered part of the fabric of the history of the town concerned. And there will always be a group of people who will stand up for the preservation of a piece of local history that makes a town different and special, irrespective of the unalterable facts that the town trusts offend the principles of twenty-first century democracy and add complications to local governance. The minutes of New Alresford Town Trust dated 20 April 1967 read, 'It was finally decided that, owing to its antiquity, the town trust should be kept in existence'.¹⁴

6.3 The first parish councils and the Charity Commission

There are other reasons that lie behind the high survival rate of the town trusts and the first of them that needs to be considered is the Charity Commission. The powers of the Charity Commission were laid down three decades prior to the 1883 statute: in 1853, as part of what was the first of a series of nine Charitable Trusts Acts passed during the following two decades. For example, this body of regulators was given the powers to change a

¹² HAMRO, 7M50/B3, New Alresford Town Trust: Trustees Minute Book 1961-74 (unpaginated). The town trustees discussed the possibility of closing the trust in April 1967.

¹³ The phrase 'quaint and quirky' was first used by Mark Luckham, a former New Alresford town councillor and town trustee, at a trust meeting on 9 August 2010. It is now commonly used by supporters of the existence of New Alresford Town Trust today.

¹⁴ HAMRO, 7M50/B3, New Alresford Town Trust: Trustees Minute Book 1961-74 (unpaginated).

charity's trustees, to freeze its assets, to direct its investments and to control its acquisitions and divestments. In other words, this was a powerful regulatory body backed by some strong statute laws – and this in the middle of Queen Victoria's reign when good central government was deemed to be minimal central government.

The 1894 Local Government Act created the parish councils and the first elected councillors took office on 1 April 1895. One of the first Charity Commissioners' rulings (when they were asked) was that, as soon as the five-year terms of the vestry elected 'representative' town trustees had ended, any such future trustees in this category had to be nominated by elected parish councillors. In all towns except four, parish councils took over the right to nominate the 'representative' element of the town trustees (excluding the archaeological specialists and those from other interested bodies.¹⁵ This is the ruling that produced the 'semi-democratic' structure which has so plagued local politics in many of the trust towns.

Section 14 (1) of the 1894 Act seems at first glance to have permitted the transfer of public assets from town trusts to parish councils: it stated:

Where trustees hold any property for the purposes of a public recreation ground or of public meetings, or of allotments, whether under the Inclosure Acts or otherwise, for the benefits of a rural parish, or any of them, or for any purpose connected with a rural parish, except for an ecclesiastical charity, they may, with the approval of the Charity Commissioners, transfer the property to the council of the parish, or to persons appointed by that council, and the parish council, if they accept the transfer, or their appointees, shall hold the property on the trusts and subject to the conditions on which the trustees held the same.¹⁶

This clause was meant to include, *inter alia*, the properties and rights of the town trusts that had been established in the aftermath of the 1883 MCA. At least two groups of town trustees did consider transferring their rights and properties to their respective parish councils. However, the key words in the statutory clause above turned out to be, 'with the approval of the Charity Commissioners'.

At Corfe Castle (Dorset), after the parish council had taken office, the town trustees passed the following resolution on 4 June 1895, 'That it seems desirable to this meeting of the Town Trustees that the assets of the trust be transferred to the Parish Council.' The clerk was instructed to write accordingly to the Charity Commission'.¹⁷ There is no further mention of this initiative in the minute book and the trust correspondence files of that time no longer exist. As the trust still controls the public assets that were bequeathed to it on 9

¹⁵ The four exceptions were Axbridge (Somerset), Dunwich (Suffolk), St Clears (Carmarthenshire) and Winchcombe (Gloucestershire). See pp. 34-6 above.

¹⁶ Local Government Act 1894, Section 14 (1).

¹⁷ Corfe Castle Town Trust, Minute Book, 1889-1959 (unpaginated), held in the Town Hall.

July 1889, it is presumed that the Charity Commissioners refused the trustees permission to transfer in 1895.

At Chipping Campden (Gloucestershire), the minutes of the town trust meeting of 7 January 1895 read:

A long discussion ensued as to the advisability of turning over the affairs of the town trust to the Parish Council. It was resolved that the secretary should write to the Charity Commissioners to obtain their sanction for such a transfer.¹⁸

Again, there is no further mention of this in the trust minute book and also again there is no surviving correspondence file. However, it is a logical assumption that the Charity Commission turned down this initiative as well because none of the rights and properties of the thirty-three town trusts established before the Local Government Act of 1894 were transferred to parish councils. The Charity Commissioners were apparently determined to retain all of the assets of the ancient corporations in the voluntary sector during the 1890s.

This attitude has not changed in the last 120 years; it is still the job of the Charity Commission to protect the assets of the voluntary sector and that includes preventing such assets being moved into other sectors of the economy.¹⁹ One of the main reasons for the high survival rate of the town trusts set up after the 1883 MCA is the protection afforded to them by successive generations of Charity Commissioners.

6.4 Trust law

Another reason is trust law. A trust is defined as a legal situation in which some property or rights are vested in someone (a trustee), who is under legally-recognised obligations, at least some of which are of a proprietary kind, to handle matters in a certain way, and to the exclusion of any personal beneficial interest. These obligations may arise either by conscious creation by the previous owner of the property or right (the grantor), or because of some other legally significant circumstances which are present.²⁰

Under English law there are three types of trust - express, resulting and constructive.²¹ Express trusts are declared intentionally (expressed) by the grantor. They involve the transfer of a legal title from a grantor to a trustee and the transfer of an equitable interest from a grantor to a beneficiary. The trust property must be identifiable and there must be no uncertainty as to the identity of the beneficiaries. The town trusts formed in the wake of the

¹⁸ GLOSRO, D5347/1/2, Chipping Campden Town Trust Minute Book, 1889-1920 (unpaginated).

¹⁹ Statement made from the help desk of the Charity Commission, 23 May 2011.

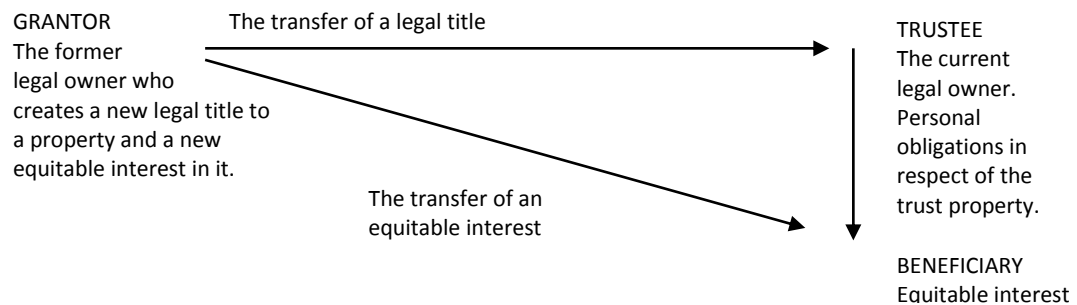
²⁰ Simon Gardner, *An Introduction to the Law of Trusts* (Oxford, 2011), 2.

²¹ Alistair Hudson, *Equity & Trusts* (London, 2009), 213-4.

Resulting trusts are implied by a court and constructive trusts arise by the operation of law.

1883 MCA are express trusts; the expression being the words of the individual schemes of arrangement under which they were founded as directed by the Charity Commissioners.

There are, therefore, three legal relationships involved in the creation of an express trust, the grantor, the trustee and the beneficiary. The relationship between them forms a triangle, as shown below.²²



In the case of the town trusts that are the focus of this thesis, the grantor was the old, abolished corporation; the trustees were as stipulated by the Charity Commissioners in the various foundation documents and the beneficiaries were the inhabitants of the towns concerned.

The beneficiaries of the properties concerned are at the least important apex of this triangle under law. Their only rights are to use the law to compel the trustees to adhere to the terms of the trust and to ensure that the properties are correctly managed by the trustees for their benefit.²³ The legal rights of the grantor are also severely limited once a trust has been drawn up. A properly constituted express trust cannot be undone by the grantor unless something to that effect has been built into the terms of the scheme of arrangement.

In *Paul v Paul* (1882), a husband and wife had both contributed to a marriage settlement which was to have benefited themselves and other people. The marriage failed and both husband and wife sought to unravel the settlement. It was held that the trust, once constituted, could not be unravelled. This means that trust property remains trust property once the trust has been validly created unless explicit powers to cancel are built into the trust instrument.²⁴ This case preceded the 1883 Act and no such cancellation provisions were built into the terms that constituted the thirty-seven town trusts created in the wake of the legislation.²⁵ Once the trusts were formed, there was no way that the members of the abolished corporations could retrieve the assets that had been transferred to the trusts.

²² Hudson, *op cit.*, 48

²³ *Ibid.*, 54.

²⁴ *Ibid.*, 213-4.

²⁵ This statement has proved to be true in all of the trust constitutions studied.

The most important member of the trio in the triangle above is the trustee. Trustees are the legal owners of trust property and, under common law, they have all of the powers needed to protect, maintain or dispose of an asset granted to them by a trust instrument. It is only the trustees who can take action on behalf of a trust and this had been established in case law as early as 1788,²⁶ well before the 1883 MCA.

John Ridley Shield in New Alresford was a solicitor and he knew his trustee law. Between 1890 and 1960, all that he needed to protect the trust from extinction or asset divestment was for four of the other town trustees to vote with him on every key issue; thus giving him a majority of five out of nine. This he managed with ease until his death in 1939 and then his son (another solicitor) took over the chair to prolong a protection of the trust position until a lack of finance forced a divestment in 1959.²⁷

6.5 Charitable trusts

There are two basic requirements for a valid charitable trust to exist:

1. The purpose or purposes for which the trust property is held and applied must be exclusively charitable and;
2. The trust must benefit some section of the public.

The town trusts formed in the 1880s and 90s are express charitable trusts that were founded for the benefit of the residents in the towns concerned. Traditionally, charitable purposes have been defined by reference to the preamble of the Charitable Uses Act 1601 (the Statute of Elizabeth I). Subsequent case law then categorised the purposes described in that preamble under four headings, namely:

1. The relief of poverty;
2. The advancement of education;
3. The advancement of religion;
4. Other purposes beneficial to a community.

The town trusts established in the wake of the 1883 MCA were formed under the 'catch-all' fourth category in the above list. The 1601 categorisation has now been overtaken by a new statutory definition contained in the 2006 Charities Act, section 2 (1) of which provides that a trust will be charitable if it falls under one of thirteen purposes set out in section 2 (2). Again, the town trusts fall under the last and thirteenth 'catch-all' definition,

²⁶ Hudson, *op cit*, 430, *Holmes v Dring* (1788) 2 Cox Eq Cas 1.

²⁷ See p. 166 below.

‘any purpose not contained within the first twelve categories but recognised as a charitable purpose by existing charity law’.²⁸

Charitable trusts are a special type of express trust. There are five main aspects to the special treatment of charitable trusts under law. First, a different provision is made towards ensuring that charities are properly run; the Charity Commission, a state funded body, gives general guidance (especially through its website) and dispenses individual advice to trustees. The state also offers help with the safe-guarding and investment of charitable assets through an Official Custodian for Charities and pooled deposit and investment funds.²⁹

Second, many taxes that otherwise apply to other trusts are wholly or partially lifted from charities. Broadly speaking, charities are not liable to pay income tax, corporation tax, capital gains tax, or stamp duty. They are also exempt from charging value added tax.³⁰ Charities are entitled to an 80 per cent relief on non-domestic rates and local authorities have the discretion to give total relief if they wish to do so.³¹ Those who give to charity also enjoy tax advantages: charities are able to claim additional gift aid on donations made by tax payers and gifts made to charities are also exempt from capital gains and inheritance tax. Corporate tax payers who donate to charity also enjoy fiscal privileges.³²

Third, there is a group of rules whereby charitable trusts enjoy a greater longevity than other trusts that have time-bound limitations. The fundamental idea that charitable trusts are beneficial to society is taken to mean that, if at all possible, they should not be lost to it. In principle, trusts for charitable purposes are allowed by law to endure forever.³³

Fourth, special provision is made for bringing problems with charities to court, if that is warranted. The normal way in which trustees’ duties are enforced by law is by the trustees being sued by some person with an interest in the trust, usually a beneficiary. However, charities are exempt from this requirement. Indeed, as a necessary corollary of the concept that they exist for the benefit of the public, they fundamentally cannot have specific beneficiaries. This diffusion of benefit means that in most cases, no one individual, or even a group of individuals, will be willing to risk undergoing all of the trouble and expense of suing a charity. Instead, trustees and charities that cause problems are taken to court by the Charity Commission.³⁴

Fifth, one of the most significant differences between the law of charitable trusts and the law of private or non-charitable trusts is the application of the cy-pres doctrine to the

²⁸ Charlie Webb and Tim Akkouch, *Trusts Law* (Basingstoke, 2011), 89-117.

²⁹ Gardner, *op cit.*, 108-9.

³⁰ Income Tax Act, 2007, part 10; Taxation of Chargeable Gains Act, 1992, s. 256; Finance Act, 2003, s. 68.

³¹ Local Government and Finance Act, 1988, s. 43.

³² Webb and Akkouch, *op cit.*, 90.

³³ Gardner, *op cit.*, 109.

³⁴ *Ibid.*

former but not to the latter. When literally construed, cy-pres means ‘as close as possible to’. The application of this doctrine gives charitable trusts considerable flexibility; if the original purpose of a trust becomes redundant then funds can still be applied for another purpose ‘as close as possible to the original’.³⁵

Nefyn Town Trust in Welsh County of Gwynedd was not set up in 1890 to provide social housing for the town but it was established in the original scheme of arrangement ‘to be of benefit to the community’. At some stage in the past, the Charity Commission have given permission for the relatively cash rich Nefyn town trustees ‘to provide reasonably priced living accommodation for the people of the town,’ as part of the operation of the principle of cy-pres.³⁶ The same principle also allowed Garstang Town Trust to turn The Old Grammar School into an Arts Centre in the 1980s. One place of learning became another – just with a different focus.³⁷

In conclusion, the financial advantages of being a charitable trust, the legal possibility of such a trust existing in perpetuity, the flexibility provided by the cy-pres doctrine and the predilection of the Charity Commissioners to resolutely keep assets in the voluntary sector are the principal reasons why a majority of the town trusts set up under the 1883 MCA have survived for the last 130 years and why they are likely to endure for many more decades to come.

This does not mean that charitable trusts by their very nature are immortal. They are prone to fail, though in ways which are different from trusts for specific beneficiaries. For example, a town trust could simply run out of money, or its purpose become impossible or obsolete, or it could be linked to an institution that ceased to exist.

Table 6.1 Town Trusts that have been closed

Number	Name of town trust	Current County	Reason for closure	Date of closure
1.	Berkeley	Gloucestershire	Ceased to be charitable	14 January 2003
2.	Westbury	Wiltshire	Funds were exhausted	5 December 2005

The Charity Commission web site uses standard forms of words as reasons for charities being removed from their register. Westbury Town Trust was shut down in 2005, the reason being that ‘funds were exhausted’; and that in Berkeley was removed from their register in 2003, the reason, ‘ceased to be charitable’.³⁸

Both were closed down at the request of their trustees and with the agreement of the commissioners. The Charity Commission help desk stated that because these closures came

³⁵ Webb and Akkouch, *op cit.*, 110.

³⁶ Nefyn Town Trust entry on www.charitycommission.org.uk

³⁷ Interview with Kate Rowe, Clerk to Garstang Town Trust, 26 March 2014.

³⁸ See p. 111 above.

after the 1960 Charities Act had come into force, the commissioners would only have agreed to the closures if all of the local trustees were unanimous in their intent. If only one trustee had indicated his/her disagreement to the proposed course of action, the commissioners would have insisted on parachuting in trustees of their own to conduct an investigation. The help desk adviser added that this was, and still is, never a move to be undertaken lightly because this takes control of any situation out of local hands.³⁹

6.6 Divestment of assets

Usually, the reason for a town trust divesting itself of an asset was because that asset had become too expensive to maintain or the trust was short of money. Harton Town Trust (Devon) disposed of numerous properties in the period 1890-1950s due to low incomes and restrictions on investment capital by the Charity Commission. These were mainly houses and were sold to private individuals. Other land and property was lost due to lax controls and/or indifference by the trustees.⁴⁰ Harton is typical of the trusts that inherited housing stock from the former corporations.

However, the biggest in size and the most expensive asset that has ever been divested by a town trust is the pier and harbour at Yarmouth (Isle of Wight). This happened in 1931, when a new scheme of arrangement was implemented under which the town trust dispensed itself of these responsibilities. This did not occur because the trustees were short of money. On the contrary, trust finances were healthy all the way through the 1920s.⁴¹ The change occurred because the trustees felt that they were being hampered by their 1890 constitution.

Under this scheme of arrangement the trustees could only use the rents received from the land and buildings they owned for the benefit of the town. Similarly, revenues derived from the pier could only be used for the benefit of the pier and the same rule applied to the mooring fees derived from the harbour – these dues could only be used to maintain or improve the harbour.⁴² During the 1920s by far the greater part of the trust's income was derived from the pier; and yet the trustees were unable to use any part of these funds to improve facilities in the harbour or the town.⁴³

In 1928, the town trustees spent everything they possibly could to improve the pier, including the purchase of several buildings on the quay side to provide offices and waiting rooms for a proposed new ferry service.⁴⁴ They then, with the help of the Charity

³⁹ Statement made from the help desk of the Charity Commission, 23 May 2011.

⁴⁰ Questionnaire completed by Steve Hobbs, Harton local historian, 14 March 2014.

⁴¹ Yarmouth Town Trust, Committee Minute Book (Finance), 1920-31 (unpaginated).

⁴² Yarmouth Town Trust, scheme of arrangement, 1890.

⁴³ A.G. Cole, *Yarmouth, Isle of Wight, Some Records of an Ancient Town* (Newport, 1946), 24.

⁴⁴ Yarmouth Town Trust, Committee Minute Book, 1928-31 (unpaginated).

Commissioners and the Southern Railway Company, succeeded in getting the consent of Parliament to the Yarmouth, Isle of Wight, Pier and Harbour Act. This local statute established a new non-charitable body of commissioners under which the pier and the harbour could be managed as one entity without any restrictions as to how funds could be apportioned.⁴⁵

Shorn of their jurisdiction over the pier and the harbour, the town trustees were free to concentrate on their responsibilities for their land-based assets, the Town Hall, the Common, the recreation ground and five cottages on Mill Terrace, all of which were, and still are, rented out (the Town Hall on a usage basis and the Common for grazing). With no further need for representation on the trust board from the railway company (who were only involved with the pier) or from the town of Freshwater (on the other bank of the bay comprising the harbour), the number of town trustees was reduced from eleven to seven - all from Yarmouth - three co-opted from the community and a majority of four nominated by the parish council.⁴⁶

It must be said that this 1931 initiative was probably the saviour of Yarmouth Town Trust. A small charitable trust (with a combination of volunteer trustees and parish councillors on the board) would have difficulties financing and managing what is today a multi-million pound tourism business with so many health and safety attendant issues. The port of Yarmouth makes its money today from leisure sailing – a sport that was available to only a few rich people in the 1930s; whereas today many thousands participate.

Although the biggest of them did not occur for financial reasons, for assets other than housing stock, the usual reason for the divestment of an asset was because that asset was threatening to become too expensive for a small charity to maintain. The obvious recipients of such a public asset were the local town or parish councillors who could not avoid the political duty of taking under their wing a responsibility that would have belonged to them in 1895 but for an accident of history.

However, all of these divestments of individual trust assets happened before 1960 and all of them involved a transfer from the voluntary sector into either the private sector (usually individual houses) or one of the tiers of local government. Usually, the recipient tier of local government was at the third level – a parish or a town council.

Camelford Town Trustees (Cornwall) were involved in the surrender of one of their assets in 1958. Enfield Park was, and still is, a public recreational space next to the river in the centre of the town. It contains trees, grasslands, a children's play area and a set of

⁴⁵ Cole, *op cit.*, 25.

⁴⁶ Yarmouth Town Trust, scheme of arrangement, 1931.

public toilets. The land was given to Camelford Town Trust, to manage on behalf of the town's residents, by Albert Carew Tincombe in 1922.

A river flood in 1950 caused extensive damage and meant an expensive restoration bill for the town trust. A further flood only eight years later in 1958 forced the trustees to finally give up and they recommended conveying the park to Camelford Parish Council. The Charity Commissioners agreed and the ownership of Enfield Park was transferred to the parish council on 4 June 1958. This third tier council paid for the reconstruction of the park which was reopened in 1959 and still exists as a public asset today.⁴⁷ The park was rededicated by Tincombe's niece at a ceremony in August 1992.



Illustration 17: The Enfield Park bequeathing plaque, Camelford, 1922. Photograph by the author, May 2014.

A similar story emerged from New Alresford (Hampshire) a year later when the town trustees surrendered the ownership of their recreation ground in 1959. They had also been given some land by a benefactor, Colonel Henry Stratton-Bates, in 1910. The land he donated, a short walk from the town centre, was given on the condition that the town trustees manage it as a free recreation facility for the benefit of the youth of the town.⁴⁸

The trustees were destined to struggle with the finances involved in running such an expensive public facility for more than forty years. With no income coming in from the ground, maintenance costs had to be met from revenue derived from other sources and over time these had started to dry up. The main income of the New Alresford Town Trust was derived from the town's sheep fairs and numbers of both people and animals attending these events were falling throughout the twentieth century.

The final financial blow for the town trustees arrived in 1958. The roads bordering two sides of the recreation ground were still compacted dirt tracks in the late 1950s and residents had been campaigning for some time to have the surfaces tar sealed with

⁴⁷ CORNSL; Camelford, Enfield Park, 70th Anniversary and Re-dedication Ceremony, 22 August 1992, Commemorative Programme.

⁴⁸ HRO, 7M50/B1, New Alresford Town Trust: Trustees Minute Book 1890-1948 (unpaginated).

accompanying drains and pavements. That year, it was agreed with Hampshire County Council that this would be done and that every resident would pay a proportion of the cost based on the length of the frontage of their house. The town trust, owning land with more than 600 yards of frontage onto these roads, was faced with a bill of more than £1,500. There was only £160 in the trust's recreation ground kitty.⁴⁹ New Alresford Parish Council accepted the ownership of the Stratton-Bates Recreation Ground in 1959.

The late 1950s timing was fortunate in both of these individual asset ownership transfers; two years later (in the case of Camelford) and one year later (in the case of New Alresford) and it would have been made considerably more difficult, if not entirely impossible, by the 1960 Charities Act. There is no evidence in the New Alresford trust archive to suggest that the asset transfer was hurried through to beat a deadline of a forthcoming piece of legislation. The need to reduce their liabilities had featured in the trusts' minutes for nearly a decade beforehand. The records of Camelford Town Trust remain unarchived and the author was denied access to them.

6.7 Permanent endowments

Another reason that the town trusts survived was the introduction of the concept of a 'permanent endowment' by the 1960 Charities Act. This was cemented even further in place by the 1993 Charities Act; this concept is unique, in that it only applies to charitable trusts. The term is defined as 'land, income producing buildings and securities being held subject to a restriction on them being expended for the purpose of the charity that owns them'.⁵⁰ The concept is implied rather than expressed and there is a presumption that all property held by a charity consists of permanent endowments unless there is clear statement written into a scheme of arrangement that the asset can be expended.

This forces a charity to make plans, both financial and otherwise, to preserve and protect such a permanently endowed asset forever. For example, what this means is that the Charity Commission will insist on financial plans being drawn up to ensure that an expenditure on a new building is recouped out of future income. Bricks and mortar, so the argument goes, have only a limited life, and trustees must be in a position to replace them when the time comes.⁵¹

The 1960 Charities Act, with its concept of 'permanent endowment', made it more difficult to transfer assets from a town trust to a council. Clause 29 of this statute requires trustees to obtain the consent of the Charity Commissioners prior to engaging in

⁴⁹ £1,500 and £160 in 1958 equate to £29,000 and £3,000 respectively at 2012 values.

⁵⁰ John Claricoat and Hillary Phillips, *Charity Law A-Z, Key Questions Answered* (Bristol, 1998), 117.

⁵¹ *Ibid.*, 117-8.

transactions involving the disposal of property forming the permanent endowment of a charity. The way that the term 'permanent endowment' has been legally interpreted since 1960 means that once a charitable asset is declared as such, it has to stay within the voluntary sector. Such an asset cannot be transferred except to another charitable trust.⁵²

Although clause 37 (1) of the Act did permit a transfer of charitable assets to councils, such a transfer could only have happened if the assets involved remained under the jurisdiction of the Charity Commissioners. Following 1960, a council could only have accepted a town trust asset if it had been willing to go to the expense of setting up a charitable trust of its own with elected councilors serving as trustees. Such a move was not then, and still is not, disallowed in local government circles but it is frowned upon because it involves public assets being outside the control of an elected body.⁵³ Since 1960, individual assets have very rarely moved from the voluntary to the public sector.

The 1960 concept of the assets of a charity being permanent endowments considerably reduced the possibilities of any set of trustees selling any of their assets. In the whole cadre of the trust towns only two post-1960 examples of divestment have been found. The first of them occurred in Ilchester (Somerset). It happened in 1984 but did not involve the transfer of an asset to a council.

Ilchester Town Trust inherited the assets of Ilchester Corporation who in 1818 had leased some land to Lord Darlington who built sixty-six houses to accommodate the villagers who had been dispossessed by disreputable borough mongers during the first two decades of the nineteenth century. This lease ran out upon the death of the Duke of Cleveland in 1891 and the land and houses, known as The Mead reverted to Ilchester Town Trust as the successor to the old corporation.

The trust always struggled financially with the costs of maintenance and modernisation that this estate of houses needed. Costs were consistently in excess of the rents received. This was exacerbated in 1979 when the site was flooded twice (to a depth of several feet) causing the trust much further expense. As a result, the trustees started a lobbying campaign to be allowed to sell the site. In 1984, their lobbying finally succeeded and the Charity Commissioners finally agreed to the sale of The Mead to a property developer on the condition that the funds the trustees received became a permanent endowment of the charity.⁵⁴

The other post-1960 divestment example occurred in Bradninch (Devon). The education authority ended their lease on the town's old school in 1995, buildings that had

⁵² Conversations with Quentin Elston and Samantha O'Sullivan, charity lawyers, 11 July 2010.

⁵³ Conversation with Roy Gentry, Town Councillor and Town Trustee, 10 December 2010.

⁵⁴ Gerry Masters, *Some Views on Ilchester's Past* (Ilchester, 2010), 29, 103.

been owned by the town trust since its foundation in 1889. Fourteen years later in 2009, the Charity Commission finally agreed to the sale of The Old School. It was sold to a private individual for development as housing for £300,000. Again, the commissioners insisted on this amount becoming a permanent endowment fund - capital that cannot be spent.⁵⁵



Illustration 18: The Old School, Bradninch, Devon. Photograph by the author, April 2014.

Table 6.2 Town Trusts subsumed into their local councils ⁵⁶

Number	Name of town trust	Current County	Reason	Date of subsumption
1.	Chipping Campden	Gloucestershire	Lack of finance	1959
2.	Langport	Somerset	Lack of finance	1966
3.	Orford	Suffolk	Shortage of trustees	1971
4.	Wootton Bassett	Wiltshire	Lack of finance	1993
5.	Wotton-under-Edge	Gloucestershire	Lack of finance	1976

Post 1960, asset transfers from town trusts to local government authorities have all been multiple and have been caused by a trust closure – two ⁵⁷ or in the cases involving a council subsumption of a town trust – five.⁵⁸ As can be seen in the table above, only the case of Chipping Campden preceded the 1960 Charities Act; in the other four cases, as soon as the possibility of a transfer of assets was mooted, the charity commissioners insisted that the council concerned form a charity with sets of councillors serving as trustees, so that the

⁵⁵ Questionnaire completed by Jane Fogden, Clerk, Bradninch Town Trust, April 2014.

⁵⁶ See pp. 46-7 above.

⁵⁷ See table 6.1 on p. 163 above.

⁵⁸ See table 6.2 on this page above.

assets could remain in the voluntary sector. Annual financial returns relating to the assets transferred had, and still have, to be made to the Charity Commission. In the case of Chipping Campden, the commissioners returned to this town after the passage of the 1960 Act to insist on the existence of a charitable trust serving as a home to the transferred assets. Therefore in all of these five cases, the assets remain in the voluntary sector even though they are owned by local councils.

The clauses of the 1960 Charities Act that refer to the possibility of the transfer of charitable assets that have been nominated as permanent endowments have not been materially changed by subsequent statutes. If anything they have become more entrenched. Clause 36 (1) of the milestone 1993 Charities Act states, 'no land held in trust for a charity shall be sold, leased or otherwise disposed of without an order of the court or the Charity Commissioners'. The other milestone statutes, the 2006 and 2011 Charities Acts did nothing to alter this position.

6.8 Attitudinal hypotheses about the first groups of parish councillors

The town trusts owned public rights and assets that belonged to the people of the towns concerned - and yet it is apparent that the first sets of parish councillors, in the thirty-three towns in which such assets had been placed with charities prior to 1895, did not protest about the existence of their respective town trusts. No evidence of this has been found in any of the trust or council minute books and, in its absence, it is interesting to speculate about the reasons why. The earliest references to town trusts in parish council minute books occur when councillors are asked to nominate individuals to serve on the boards of the trusts in the period 1895-6. All councils, who were asked to nominate, did so without objection or comment.

Although the town trusts can now be clearly seen as 'semi-democratic', or even 'undemocratic', in the nineteenth century they may not have appeared in quite the same light. The small market towns that formed trusts in the 1880s and 90s were what we would call villages today. They had, almost without exception a single high street on which could be found – in novelist Anthony Trollope's description – two pumps, three hotels, ten shops, fifteen beer houses, a beadle and a market-place.⁵⁹

They were closely integrated and mainly self-sufficient communities where most people lived, worked, made their friendships and undertook their leisure activities within walking distance of their homes. Society then was a class structured hierarchy of social ranks and deference to those in authority was usual.⁶⁰ Such deference and a willingness to

⁵⁹ Anthony Trollope, *Dr Thorne*, introduction and notes by David Skilton (Oxford, 1989), 2.

⁶⁰ G.R Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 115.

accept the inherited status quo may have made the existence of a town trust more acceptable to local politicians who were born in the nineteenth century as compared to those who are alive in the twenty-first.

The typical first parish politician was a self-employed small businessman.⁶¹ In 1895, he would have been aware that upsetting the former burgesses, who were all influential men about the town, could have affected his ability to earn his living. This may have made him more amenable to accepting the existence of a town trust than a local politician today.

The new councillors in 1895 had been accustomed to their church presiding over many secular affairs and to a limited involvement of state, county and district government in their local issues. They had grown up with 'local men deciding local affairs' and there is evidence of resentment towards perceived interference from elsewhere, for example from the county.⁶² The trust was run by local men, the former burgesses, and this too may be a reason why they were more willing to accept the unelected 'cuckoos in their nest' than the current politicians.

In 1895, there were three tiers of local government affecting the trust towns, a County Council, a new Urban or more usually a Rural District Council and a new Parish Council.⁶³ The County Council of Southampton had 100 representatives at that time, of whom seventy-five were elected with the remaining twenty-five being co-opted as aldermen.⁶⁴ If unelected aldermen were acceptable at the top tier of local government, then parish councillors at the third level must have been amenable to the concept of a minority of unelected town trustees playing a part in local government. It was not until after the 1972 Local Government Act had been passed that the post of alderman was abolished.

Moving into the twentieth century, three further deductions might be made. The first concerns the fact that parish councils did not live up to the initial expectations of their councillors. Their spending powers were severely limited.

The council may not, without the consent of the Parish Meeting, incur expenses or liabilities which will involve a rate exceeding three pence in the pound for any financial year. With the consent of the Parish Meeting, this rate may be exceeded but in no case must it exceed six pence in the pound.⁶⁵

⁶¹ Marazion History Group, *The Charter Town of Marazion* (St Ives, 1995), 52..

The first thirteen parish councillors in the trust town of Marazion (Cornwall) included three market gardeners, two civil engineers, two saddlers, two insurance brokers, a Wesleyan Minister, a surgeon, a tin smelter and a pattern maker.

⁶² E.P. Hennock, *Fit and Proper Persons: Ideal and Reality in Nineteenth-century Urban Government* (London, 1973), 6.

⁶³ Robert Leach and Janie Percy-Smith, *Local government in Britain* (Basingstoke, 2001), 49-50. Hampshire County Council was originally named Southampton County Council.

⁶⁴ Gillian Rushton, *100 years of progress, Hampshire County Council, 1889-1989* (Winchester, 1989), 8-9. This ratio was stipulated by the 1888 County Councils Act. Municipal boroughs also had co-opted unelected aldermen and had done so since the 1835 Municipal Corporations Act.

⁶⁵ G.F. Emery, *Handbook for Parish Councils* (London, 1895), 83.

These amounts were not increased until 1929 when they went up to four pence and eight pence respectively.

The enthusiasm which greeted the first parish elections often gave way to disillusionment when councillors realised that almost everything that was within their statutory mandate was often beyond their financial means.⁶⁶ This disillusionment may have accounted for the councillors' unwillingness to consider taking over the assets and responsibilities of a trust. Although this might be a plausible deduction, no evidence of it has been found in the archives of either a town trust or a parish council.

The second deduction is that the trusts may be an irritant to local politicians today and offend the principles of twenty first-century democracy, but in essence most of them were small. For example, the 2012 total asset value of the biggest of the town trusts, East Looe (Cornwall), was only £2.9 million and its annual income only just over £195,000.⁶⁷ Parish councillors in the 1890s may not only have thought that trust assets should have been transferred to the local authority but also that it did not merit the legal expense that a transfer of ownership would have involved. Again, however plausible the deduction might be, no evidence to this effect has been found.

The third deduction surrounds the lack of public interest in local politics after the initial excitement of the birth of parish councils in the 1890s. When judged by the low turnouts in local elections, interest was never high afterwards. Much of the initial enthusiasm surrounding parish council elections had evaporated by the time the second elections took place in March 1896, when two-thirds of candidate councillors were unopposed.⁶⁸ Perhaps apathy amongst the electorate could be the reason that a local politician never managed to generate sufficient interest or support to challenge the existence of the town trusts.

As an interim conclusion, whilst all of these attitudinal hypotheses described above are probably true, no evidence has been found in the minutes of any of the town trusts or the parish councils to corroborate them. The nineteenth-century local politicians never recorded their reasons for their apparent preparedness to tolerate unelected individuals being involved in the ownership of public rights and assets. It is a truism that it is conflict that generates historical evidence; whereas the maintenance of a status quo seldom does so. Perhaps the most probable explanation is that whilst town trusts do not appear to be 'democratic' to an observer in the twenty-first century; in the context of the 1890s however, they could have appeared very 'democratic' indeed - with those individuals with the time, money and education being willing to undertake local governance responsibilities.⁶⁹

⁶⁶ Searle, *op cit.*, 223.

⁶⁷ See table 7.2 on p. 166 above. See also p. 110 above.

⁶⁸ Searle, *op cit.*, 223.

⁶⁹ L.C.D. Seaman, *Victorian England, Aspects of English and Imperial History, 1837-1901* (London, 1973), 289.

6.8 Conclusions

Undoubtedly, the commitment of the co-opted members of the abolished corporations to the assets and rights of their former organisations was a significant factor in ensuring the survival of a high percentage of the trusts established by the 1883 MCA.

Again undoubtedly, it was the actions of the Charity Commissioners in the mid 1890s, after the 1894 Local Government Act had been passed, that caused the town trusts established in the wake of the 1883 MCA to become 'semi-democratic' institutions. It was the transfer of the nomination rights pertaining to the 'representative' element of the trustees from a vestry to a council that caused problems and this was reinforced by the commissioners refusing to let trust assets be transferred to the new councils in 1895.

Even when such requests were made to transfer assets from a trust to a council, these were either refused or ignored. If, in 1895, the Charity Commission had left the trusts as entirely voluntary bodies or alternatively forced them to become the complete responsibility of the new parish councils, much future aggravation would have been avoided in the local politics of the trust towns. However, although this does not explain the high survival rate of a large majority of the town trusts through to today, it does give a strong hint of what was to come.

Moving into the twentieth century, it was the continued determination of the Charity Commissioners to keep voluntary sector assets under their control that protected the town trusts and/or their individual assets from being taken over by councils. This protective attitude was reinforced by the strength of the existing case and statute law pertaining to express charitable trusts. In the late nineteenth and the early part of the twentieth centuries, the voluntary sector was more regulated than any other in the British economy, both by the Charity Commission and statute law.

Up to 1960, it was possible to transfer some or all of a trust's individual assets to a local council; all that was needed was the passing of a trustees' majority resolution to that effect and there are numerous examples of this happening. After the 1960 Charities Act, this could only happen if the local town trustees were unanimous in their intent and if the council concerned was prepared to form a charity with councillors acting as trustees.

Since then, assets have been transferred from a trust to a council on far fewer occasions and usually only on a mass basis. Post 1960, only two cases involving the transfer of an individual asset were discovered in the records of all thirty-seven of the town trusts and these involved the trusts at Ilchester and Bradninch. In only seven cases have multiple assets been transferred from a trust to a council since 1960 and all of them have involved either a trust closure (two) or a council subsumption of a trust (five). On six of these seven occasions, the reason has been bankruptcy; the seventh (Orford) was caused by an

insufficient number of people being prepared to fill the requisite number of spaces on the board of the trust.

Although the town trusts owned public assets, their existence does not appear to have been challenged by the first groups of parish councillors in the 1890s in any of the towns affected by this statute. There is no evidence of protest in any of the trust or council minute books studied. The reason for this probably lies in differing perspectives of what was regarded as 'democratic' at that time as opposed to what is regarded as being 'democratic' more than a century and a third later.

So well are express charitable trusts protected by law and the Charity Commission, that there are the only two reasons that a town trust established in the aftermath of the 1883 MCA might cease to exist today – bankruptcy or a lack of suitable trustees. As long as they remain financially viable and there are sufficient trustees willing to serve, nothing can be done about the existence of the surviving town trusts, even though they might offend the ideals of 'democracy' in the twenty-first century.

CHAPTER SEVEN

THE TOWN TRUSTS TODAY

7.1 Introduction

The twentieth century featured an evolving and developing British welfare state, particularly after the Second World War. In the late 1940s and 1950s, as the new 'welfare settlement' bedded down, it was predicted that the curtain had been rung down on the voluntary sector. As the state assumed the major role for the welfare of its citizens, the charities and other organisations which had pioneered and delivered so many services were expected to be displaced to the margins, to become little more than icing on the statutory cake.¹

The reality, however, turned out to be rather different. The voluntary sector did not wither away in the 1940s and 50s. Whilst the state did displace voluntary action in some fields – notably the direct relief of poverty and the provision of hospitals – there were many other areas where the long-established organisations – such as the National Society for the Prevention of Cruelty to Children and the Royal National Institutes for the Deaf and the Blind – continued to make a contribution to society that was far more than marginal.²

In the 1960s and 1970s, the voluntary sector gained fresh vitality. This was due to charities changing their roles and to a reaction against the amount of bureaucracy involved in 'welfare statism' – too much was being spent on administration and not enough on those who were supposed to benefit. Many mutual-aid organisations were set up as charities in this decade; for example those that ran playgroups for young children. However, they were not entirely self-help organisations – they often sought out and gained financial support from public funds, most notably from sympathetic local authorities. Some national charities took this realignment a stage further. Help The Aged (founded in 1961), the Child Poverty Action Group (1965) and Shelter (1966) all became campaigning only organisations – they did not see themselves as the providers of charitable services but as skilled professional lobbyists of the government to help the disadvantaged.³

The radical reforms of the third Thatcher administration in the late 1980s encompassed the dismantling of the local government and health service bureaucracies responsible for the provision of social welfare. In their place came self-governing health service trusts and grant-

¹ Justin Davis Smith, Colin Rochester and Rodney Hedley, *An Introduction to the Voluntary Sector* (London, 1995), 1.

² *Ibid.*

³ Peter Clarke, *Hope and Glory, Britain 1900-2000* (London, 2004), 306-7.

maintained 'opted-out' schools. These changes put the voluntary sector back on to the central stage in providing welfare services.⁴ This has continued to be its place through all of the various government administrations of the 1990s, 2000s and 2010s.⁵

These initiatives certainly helped to preserve and then to galvanise the voluntary sector but there was another significant determinant - this was the role of the Charity Commission in defending voluntary sector assets. From 1900 to 2000, the commission became the fount of all knowledge on charity law and on what charities could and could not do. It employed lawyers and advisers who spent their working lives immersed in the esoteric world of charity law and they made the commission a 'quasi-judicial' body. These were the people that drove the law changes that came in through the major Charities Acts of 1960, 1993, 2006 and 2011 and all the other charity law changes for that matter.

This meant that, although it had no formal power to determine statute law, the Charity Commission's role in advising and interpreting on issues of charity law was so dominant that, in all practicality, if not legality, its decisions and declarations had the same status as that of a court. If charity trustees were unhappy with, or aggrieved by, a decision of the commission, they found themselves in a very weak position indeed. Today, in 2014, if one wanted to take issue with a decision of the commission, there exists a right of appeal to a Charity Tribunal, but this right did not exist in the twentieth century.⁶ Then, if anyone wanted to challenge a view of the commission, the only option was to start a legal action. And the only body who could give the necessary prior approval to spend charitable funds on a legal action was the Charity Commission itself.⁷

The town trusts, which had been established in the wake of the 1883 Municipal Corporations Act (MCA), have been very well protected by a Charity Commission that became ever more powerful during the twentieth century. The trusts, therefore, moved largely unhindered through time and on into the twenty-first century. They were not, however, completely unchallenged. Councillors in some towns did object to the existence of unelected trustees being in charge of assets that belonged to the public. These challenges always took the form of a complaining letter to the trustees. The clerk to a set of trustees then usually forwarded the challenge to the Charity Commissioners who issued a stern reply containing some or all of the legal points mentioned in the previous chapter. This was enough to silence the complaining councillor.

⁴ Smith, et al, *op cit.*, 2.

⁵ Bernard Harris, *The Origins of the Welfare State* (Basingstoke, 2004), 306.

⁶ The Charity Tribunal was created in 2008 as part of a programme set out in the Tribunals, Courts and Enforcement Act 2007.

⁷ Richard Eggington, *Stratford's Reluctant Charities, the story of the Guild and College Estates* (Stratford upon Avon, 2013), 34, 47.

The only common twenty-first century feature of the surviving trusts was that most sets of trustees regarded their own organisation as unique – they did not know of the existence of other trusts that had been formed in the wake of the 1883 MCA. There are many ways of grouping the current activities of the cadre of thirty-seven town trusts. For example, there are those that have been merged with other local charities – Fordwich (Kent) and Thornbury (South Gloucestershire); there are those that concentrate on the provision of social housing – Harton (Devon) and Nefyn (Gwynedd); there are those that have a single Town Hall asset – Loughor (Swansea) and New Radnor (Powys); there are those that are financially so small that they could not possibly become an emotive local issue – Bovey Tracey (Devon) and Cilgerran (Pembrokeshire) - and there are those with an asset base above £1 million – East Looe (Cornwall) and Yarmouth (Isle of Wight).

However, the starting point of this thesis was to explore the local governance problems that the existence of the trusts has caused. That is the focus of this chapter: it groups the charities into those that have never caused governance problems, those that used to but no longer do so and those that are still causing problems.

7.2 Town Trusts and local governance problems

There are two categories of town trust that obviously cause no misunderstandings or local governance problems today – those that have been closed - two and those that possessed no split interests between elected councillors and unelected volunteer trustees from the dates of their foundation in the 1880s and 90s - five.⁸

Table 7.1: Town Trusts: those ‘closed’ and ‘no split interests from the start’

Causing no problem	Names of town trusts	Total
Closed	Berkeley, Westbury	2
No split interests from the start	Axbridge, Dunwich, Fordwich, St Clears, Winchcombe	5
Total		7

The surviving trust records for both Berkeley and Westbury are either non-existent or sparse in the extreme, so it is not known if the existence of these two trusts caused past local governance problems in these towns. Local press records have been reviewed but no trace of them becoming moribund has been found. This may have been because the date of this happening was not known. Their formal closures in 2003 and 2005 respectively were not reported in the local press – these were purely administrative exercises involving a town clerk and the Charity Commission.

⁸ See pp. 44-6 above.

Representatives of the five trusts that have had no split interests from the start all reported that their trusts had caused no governance problems whatsoever throughout their history. Four of these organisations are routinely run solely by volunteers.⁹ The fifth (Fordwich, Kent) is managed solely by councillors.¹⁰

The other category of trust towns that also causes no current governance problems are those that have been fully subsumed into their respective councils - five.¹¹ This was confirmed by the town (or parish) clerks at all five of councils listed below.

Table 7.2: Town Trusts: those ‘subsumed into their councils’

Causing no problem	Names of town trusts	Total
Council subsumed	Chipping Campden, Langport, Orford, Wootton Bassett, Wotton-under Edge	5
	Total	5

However, this did not mean that these trusts had not caused governance problems in the past. The existence of both a council and a trust in Wootton Bassett (Wiltshire) certainly produced tensions between the two bodies. In the 1920s, the council challenged the right of the trust to charge tolls at the town’s markets and fairs. After an expensive legal case, the judge found in favour of the trust.¹²

Later minutes in the 1950s and 60s also revealed many instances of acrimony amongst the trustees and between the trust and the council. These culminated in 1968 with a formal legal complaint to the Charity Commission from a councillor trustee regarding an alleged mismanagement of the trust. This also involved legal expenses for both trust and council.¹³ This town trust was not absorbed into Wootton Bassett Town Council until 1993.¹⁴

The total of the trusts in the three categories mentioned above is twelve. With thirty-seven trusts in the cadre, that leaves twenty-five trusts to be analysed in the present – that all have a mix of councillor and volunteer trustees.

Table 7.3: Town Trusts – current structure

No	Name of Town Trust	Councillors	Co-opted volunteers	Other	Total
1	New Alresford Town Trust	5	4		9
2	Bovey Tracey Town Trust				9
3	Brading Town Trust	3	6		9
4	Bradinch Town Trust	4	5		9
5	Camelford Town Trust	2	7		9
6	Chipping Sodbury Town Trust	9	4		13

⁹ See pp. 34-6 above.

¹⁰ See p. 36 above.

¹¹ See pp. 46-7 above.

¹² WILTSHC, G26/121/2, Wootton Bassett Town Hall and Trust, Legal case relating to market and fair tolls.

¹³ WILTRO, 3413/2, Wootton Bassett Town Hall and Trust Minute Book, 1945-81 (unpaginated).

¹⁴ WILTSHC, 3413/4, Wootton Bassett Town Hall and Trust: Minute Book, 1985-93 (unpaginated).

No	Name of Town Trust	Councillors	Co-opted volunteers	Other	Total
7	Clun Town Trust	4	1		5
8	Corfe Castle Town Trust	8	3	1 ¹⁵	12
9	Dursley Town Trust	6	7		13
10	East Looe Town Trust	4	4		8
11	Garstang Town Trust	6	5		11
12	Harton Town Trust	7	2		9
13	Holt Town Trust	6	3		9
14	Ilchester Town Trust	3	4	5 ¹⁶	12
15	Kenfig Corporation Trust	7	3		10
16	Cilgerran Town Trust				6
17	Llantrisant Town Trust	3	9 ¹⁷	1 ¹⁸	13
18	Loughor Town Trust	6	4		10
19	Marazion Town Trust	5	4		9
20	Midhurst Town Trust	3	2	1 ¹⁹	6
21	Nefyn Town Trust				8
22	Pevensey Town Trust	5	4		9
23	New Radnor Town Trust	2	9		11
24	Thornbury Town Trust	3	4		7
25	Yarmouth Town Trust	4	5		9

The latest available figures showing town trust income, spending and net assets (where submitted to the Charity Commission) for these trusts are shown in the table below. It can be seen at a glance that the majority of these trusts have done little with the assets they inherited in the late nineteenth century but by contrast some of the others have developed their net asset base considerably.

Table 7.4: Town Trusts – income, spending and net assets

No	Name of Town Trust	Income £	Spending £	Net Assets £
1	New Alresford Town Trust	39,430	26,261	371,706
2	Bovey Tracey Town Trust	12,118	11,129	ANR
3	Brading Town Trust	23,656	18,793	ANR
4	Bradinch Town Trust	21,347	19,427	ANR
5	Camelford Town Trust	4,005	2,630	ANR
6	Chipping Sodbury Town Trust	89,052	61,088	645,000
7	Clun Town Trust	5,669	5,159	ANR
8	Corfe Castle Town Trust	3,517	4,424	ANR
9	Dursley Town Trust	16,566	13,362	ANR
10	East Looe Town Trust	178,167	161,157	2,867,739
11	Garstang Town Trust	51,704	48,124	66,062
12	Harton Town Trust	26,443	13,577	1,166,905
13	Holt Town Trust	17,762	17,329	ANR
14	Ilchester Town Trust	68,600	69,589	1,457,261
15	Kenfig Corporation Trust	91,015	93,016	151,793
16	Cilgerran Town Trust	100	305	ANR
17	Llantrisant Town Trust	3,903	10,955	ANR
18	Loughor Town Trust	3,951	9,496	ANR
19	Marazion Town Trust	16,583	4,793	ANR
20	Midhurst Town Trust	11,098	8,073	ANR
21	Nefyn Town Trust	93,150	213,208	226,413
22	Pevensey Town Trust	20,483	10,762	ANR

¹⁵ Dorset Archaeological Society.

¹⁶ One from the Somerset Archaeological Society and four from the Ilchester and District Community Association.

¹⁷ Freeman's Trustees elected from the names on the Freeman's Roll.

¹⁸ Cambrian Archaeological Society.

¹⁹ Sussex Archaeological Society.

No	Name of Town Trust	Income £	Spending £	Net Assets £
23	New Radnor Town Trust	2,005	1,104	ANR
24	Thornbury Town Trust	33,969	10,610	837,364
25	Yarmouth Town Trust	48,039	37,348	1,195,238

Notes to the table on the previous page:

1. The Charity Commission does not require certified accounts for charities with an income stream of less than £25,000 per annum. These trusts marked ANR (Accounts Not Required) have also not had to calculate the value of their assets.
2. All numbers quoted were taken from the last year showing on the Charity Commission web site on 10 December 2013, whichever year that may have been, either 2011 or 2012.

Fifteen of these twenty-five trusts had an income stream of less than £25,000 per annum and, therefore, have not been required to assess the total value of their assets. 60 per cent of them are, therefore, tiny organisations.

7.3 Town trusts that have never caused local governance problems and are perceived as being of current benefit to their communities

Seventeen of this sub-group of twenty-five trusts (68 per cent) have never caused local governance problems and are perceived as being of benefit to their communities.

Table 7.5: Town Trusts that are perceived as being of benefit to their communities

Name of Trust	Reason
1. Bovey Tracey (Devon)	Provider of social housing only
2. Bradninch (Devon)	Open minutes to the public annually.
3. Camelford (Cornwall)	Owens only one unemotive asset
4. Chipping Sodbury (South Gloucestershire)	Public assets maintained at no cost to the rate payer.
5. Cilgerran (Pembrokeshire)	Very low income.
6. Clun (Shropshire)	Established museum which is a tourist attraction.
7. Corfe Castle (Dorset)	Part of the governance fabric of the village.
8. Garstang (Lancashire)	Supports other charities and community groups.
9. Harton (Devon)	Provider of social housing only.
10. Holt (Wrexham)	Supports other charities and community groups.
11. Ilchester (Somerset)	Purchased recreation ground in 1994 and maintains it,
12. Llantrisant (Rhondda Cynon Taff)	Important links with the town's history.
13. Loughor (Swansea)	Owens only one unemotive asset
14. Marazion (Cornwall)	Archived all borough records.
15. Midhurst (West Sussex)	Harmonious relationships with council.
16. Nefyn (Gwynedd)	Provider of social housing only.
17. New Radnor (Powys)	Owens only one unemotive asset

The current activities of the town trusts at Chipping Sodbury (South Gloucestershire) and Clun (Shropshire) were described earlier.²⁰ Both of them are described by their current trustees as bringing definite benefit to their respective communities and causing no local governance problems. At Chipping Sodbury, the trust manages most of the town's recreation facilities and public buildings at no cost to the rate payer and the trust at Clun has developed an internationally recognised museum which attracts tourists to the town.

²⁰ See pp. 104-7 and 109-10 respectively above.

Rather than examine the details of all of the other fifteen trusts in this category, two have been chosen as typical of this cadre (Midhurst and Corfe Castle). Details of the remainder (thirteen) can be found in Appendix 8.

Midhurst Town Trust

The trust at Midhurst (West Sussex) was also mentioned in Chapter 3²¹ and this body is perceived as adding value and causing no local governance problems. There is no record of a lack of harmony in any of the trust or council minute books. An interview with the current Midhurst trust clerk confirmed that relationships between trust and council have always been harmonious.

Tim Rudwick put this down to three factors. First, the town trust is perceived as being small and relatively unimportant and as such its existence is not seen as a politically emotive issue. The trust is solvent, having liquid assets of in excess of £60,000. Annual turnover is small at £8,500, although enough to ensure the preservation of the Town Hall and Market Place and it has no other rentable assets other than the small Curfew Charity piece of land, which is let out at £50 per annum.²²

The second important factor is perceived to be the longevity and continuity of service that the trust has attracted. One former trust chairman served for more than forty years and the Rudwick family, father and son, have fulfilled the clerk's duties continuously since 1977. Historically there have always been only two trust meetings a year and this practice continues.²³ The trust clerk (paid expenses only) is, and always has been, delegated to make decisions regarding minor maintenance of the property and to filter requests for grants to ensure they fall within the terms of the Charity Commission's scheme; the only proviso being that the trustees expect to be kept informed if anything major or unusual occurs or if grant requests are received which need resolution between meetings.

The third factor ensuring the smooth operation of this trust is put down to Midhurst being a small and close-knit community, where most people interested in undertaking some form of public service have known each other for a long time and as a consequence a mutual trust has been developed between them.

The harmonious relationship between trust and council is shown by the major task that both are currently (in 2014) undertaking together to provide improved parking and better traffic flow around the town's market place. This has involved fund-raising of major proportions from both the public sector and other sources, both private and charitable. The

²¹ See pp. 106-8 above.

²² Other assets include the silver-gilt mace, two constables' staves, and the parish stocks, all mentioned above as part of the 1908 court case, to which have since been added a painting and the old town crier's bells.

²³ Midhurst Town Trust Minute Book, 1910-95 (unpaginated).

necessary funds are either in hand or have been promised and the planned building works could be completed within the next two years.²⁴ When this scenario was revisited in October 2014, Councillor Colin Hughes stated that this work was finished and that there had been no problems between trust and council.²⁵

Corfe Castle Town Trust

Corfe Castle Town Trust (Dorset) was established by the Charity Commission on 9 July 1889. It continues to be responsible for all of the properties previously owned by its predecessor, the ancient borough corporation. These include the Town Hall, reputed to be the smallest in England, two stone statues both in The Square, two water pumps, one again in The Square and the other in East Street and the village well.²⁶ In 1889 the trust was also given possession of the town's two ancient charters, the fifteenth-century mace and the borough seal, but these were held by the Bankes family, as Lords of the Manor, at Kingston Lacey.²⁷

When founded, the trust was not only given the responsibility for the maintenance of the above properties, but also with the provision of street lighting in the village. There were four co-optative and four representative trustees, three elected at a meeting of the church vestry and one from the Dorset County Museum and Library. However, one of the first co-optees was Walter Ralph Bankes, the Lord of the Manor, and he acted more as an ex-officio trustee, attending no trust meetings in the first decade of its existence. He left the chairmanship of the trust to his brother, the Reverend Edward Bankes.²⁸

The trust has maintained its ownership of all of the assets inherited in 1889 and has acquired a few more minor items since, the village noticeboard, the war memorial and another well, commemorating the wedding of Prince Charles to Diana, Princess of Wales, in 1981. The ground floor of the Town Hall was turned into a museum in 1963.

A new scheme of arrangement came into force in 1992 and this was varied in 2007. There are now twelve trustees, eight co-opted from the community, three from the parish council and one from the Dorset Archaeological Society. They meet formally four times a year with sub-committees operating in the interim. Relationships with the council are good, although the councillors serving as trustees merely act as a conduit back to the council, performing few trust duties. Minutes and agendas are available to the public through the trust web site. The trust is now regarded as part of the fabric of the village.²⁹

²⁴ Interview with Tim Rudwick, clerk to Midhurst Town Trust, 30 May 2012.

²⁵ Telephone conversation with Councillor Colin Hughes, 7 October 2014.

²⁶ Corfe Castle Town Trust, Scheme of Arrangement, 9 July 1889, held in the Town Hall.

²⁷ Corfe Castle Town Trust, Minute Book, 1889-1959, held in the Town Hall (unpaginated).

²⁸ *Ibid.*

²⁹ Suzanne Hulme, Corfe Castle town trustee, in interview, 4 September 2012.

The trust's main sources of income come from donations made by visitors at the museum and fund raising initiatives (sale of postcards and donation boxes). There has been an occasional bequest. For major restoration projects in the last two decades the trustees have relied on grants received from the National Lottery, Dorset County Council and the Area Museum Council for the South West.³⁰ Surplus funds have been spent on the provision of education courses in photography, languages and computing for the residents of the parish.³¹ When this scenario was revisited in October 2014, Louise Hayward confirmed that she had taken over as chair of the trust, and as she was also a parish councillor, she could confirm that there were no problems between trust and council.³²

7.4 Town trusts that have caused past problems but are now viewed favourably by their communities

There are three (out of the sub-group of twenty-five trusts) in this category (12 per cent).

Table 7.6: Town Trusts that have caused local governance problems in the past but no longer do so

Name of Trust	Reason
1. Dursley (Gloucestershire)	Raised funds for refurbishment of TH and HC.
2. Pevensey (East Sussex)	Funds raised by car park maintain other public assets
3. Thornbury (South Gloucestershire)	Social housing, allotments and grants to local charities

Dursley Town Trust

This trust in Dursley (Gloucestershire) once collapsed financially and had to be rescued by the local council and yet it has emerged again to become a successful independent charity with no active councillor representatives.

Dursley, a market town sitting under the flank of Stinchcombe Hill, which is part of the Cotswolds, lies six kilometres east of the River Severn and three kilometres east of the M5 motorway. In 2001, the population was just over 4,000 inhabitants. Dursley Town Trust was founded on 30 April 1889 with twelve trustees who met for the first time on 19 June. Its only asset was the Dursley Town Hall and market place which this body inherited from the town's unreformed corporation that was abolished in 1886. The market place is still today an open space lying behind the stone pillars of the building on the ground floor with the Town Hall situated above.

³⁰ Corfe Castle Millennium Association, *Corfe Castle 2000, a diary of a village* (Corfe Castle, 2001), 64.

³¹ Suzanne Hulme, Corfe Castle town trustee, in interview, 4 September 2012.

³² Email from Louise Hayward, 7 October 2014.

The building, as we see it now, was erected in 1738 at the expense of the then Lord of the Manor, Thomas Estcourt. He had problems collecting the tolls due to him from the market traders and as a result he sold the building to a local solicitor, Henry Vizard. In 1841, Vizard gave the Town Hall to the town for the benefit of the residents.³³ The income of the trust in the 1890s emanated solely from the rent from hiring out the hall and tolls from the town's markets that took place in the open space beneath.



Illustration 19: Dursley Town Hall with its market place beneath. Photograph by the author, May 2012.

The trust minutes do feature distrust between trustees nominated by the parish council and those co-opted from the community. In 1920, the council requested that the trustees conduct a referendum amongst the inhabitants of the town with a view to demolishing the Town Hall completely. The trustees declined to do so. Throughout the 1920s and 30s there were complaints from the council to the trust about the rubbish left behind on market days.

³³ Interview with Cath and Gerry Pierce, former mayors and Dursley Town Trustees, 17 May 2012.

It became increasingly difficult for the trust to finance the maintenance of the Town Hall after it was declared a listed building in 1960. The trustees did launch a successful restoration appeal in 1964-5 but were ill-equipped to do the same thirty years later. The trust minutes of 4 August 1993 reveal:

This meeting was called to discuss the future financing of the building. Income had fallen from £3,786 in 1991 to £1,293 in 1992 and was destined to fall further this year. The principal user of the building, the Nursery School, was closing having not been able to obtain a licence because the building lacked a safe egress for children; the town market no longer operated and other long standing bookings were falling off, for example the Women's Institute. It was suggested that the only organisation that could levy the money to support the historic building was the council.

On 8 September 1994 the trust minutes further state:

The trustees heard that the council, by a unanimous vote, had agreed to take responsibility for the Town Hall and Market Place, subject to the approval of the Charity Commissioners. The trustees then unanimously agreed to formally transfer their trusteeship to Dursley Town Council at the earliest opportunity.

The last meeting of the trust took place on 30 October 1995 when there were funds of only £3,689 available for transfer to the council. A handover ceremony took place on 8 January 1996 at the Town Hall when all of those present (both trustees and councillors) signed the minute book of Dursley Town Trust, 1889-1996, which was then closed for the last time and deposited at the Gloucestershire Record Office.³⁴

As in the cases of the other five town trusts that have been subsumed into their local councils, it could reasonably be assumed that this would be the end of the life of the trust. However, two years after the handover, in 1998, Dursley Town Council undertook an initiative to pass the town hall building back to a charitable trust. The councillors involved had realised that it was going to take £100,000 to refurbish it, and with other priorities, such as the provision of better recreational facilities in the town, they did not wish to be seen to be spending rate payers' money on the preservation of an old building. They had also become aware that the day-to-day management of a let building was taking too much councillor time and effort.

As a consequence, Dursley Town Trust was reborn, using the same charity number, but with an (almost completely) new set of trustees, some ex-councillors and others co-opted. These individuals injected far more professionalism and enthusiasm into their duties than their predecessors.³⁵ The £100,000 needed to refurbish the building was raised and

³⁴ GLOSRO/D7963/1/1, Dursley Town Trust Minute Book, 1889-1996 (unpaginated).

³⁵ Interview with Cath and Gerry Pierce, former mayors and Dursley Town Trustees, 17 May 2012.
The only trustee to serve prior to 1996 and post 1998 was Cath Pierce.

toilets, a kitchen and a new ceiling were installed. The building was re-opened in the name of the trust by Princess Anne in 2000.

The trustees have also gone further, raising £287,000 for the restoration of an old weaver's cottage, Jacob's House, and the opening of the town's heritage centre next door. These buildings are now also owned by the trust with Jacob's House, now being rented as offices to the council. Further income has been generated by the re-establishment of a farmers' market underneath the Town Hall, the sale of annual calendars featuring 'Old Dursley' photographs together with popular social events.³⁶

A new scheme of arrangement, under the auspices of the Charity Commission, was sealed on 14 March 2000. Under this constitution, the council is allowed to nominate six out of a total of thirteen trustees.³⁷ In reality the council, having taken the initiative to re-establish the charity, predominantly leaves the independent trustees to run the organisation. In May 2012, Catherine Pierce stated, 'There are nominally two serving councillors on the board of Dursley Town Trust at present, although neither of them has yet attended a trust meeting'.³⁸

Pevensey Town Trust

Similar to the trust at Dursley, the charity at Pevensey has likewise caused problems in the past but thanks to a council initiative taken in 2009, it also no longer does so. The town of Pevensey is situated five miles east of Eastbourne in the Wealden District of East Sussex. It is now an inland village separated from the sea by marshland. In 1066, the town sat at the head of a natural harbour which provided a safe landing ground for the army of William the Conqueror. It is home to a Norman Castle built on the foundations of a Roman fort.

Pevensey Town Trust was established by a scheme of arrangement issued by the Charity Commissioners on 25 March 1890. This document is still in force today, although consideration is now being given to a new scheme more appropriate to the functions of the trust in the twenty-first century. The scheme stated that there were to be nine trustees; four were to be co-opted from the community together with five representative members. Two representative trustees were to be elected by the vestry of Pevensey in 1890, two more by the vestry of Westham and one appointed by the Sussex Archaeological Society.³⁹

In the 1890s, the trustee from the county archaeological society was unable to attend regular meetings due to the distance he was required to travel. After receiving a resignation in 1894, the remaining trustees agreed to replace that post with an extra co-opted trustee

³⁶ Interview with Cath and Gerry Pierce, former mayors and Dursley Town Trustees, 17 May 2012.

³⁷ Dursley Town Trust, scheme of arrangement, 14 March 2000.

³⁸ Interview with Cath and Gerry Pierce, former mayors and Dursley Town Trustees, 17 May 2012.

³⁹ East Sussex Record Office (ESUSRO), PEV/1154, Pevensey Town Trust, Scheme of Arrangement, 1890.

and this was accepted by the Charity Commission.⁴⁰ The balance of the Pevensey Town Trustees has remained unchanged ever since with five co-opted trustees and two nominated by each of the two parish councils concerned, Pevensey and Westham. In 2012, the four representative trustees were all serving members of their respective councils.

The trustees now confine their activities to the maintenance and preservation of three plots of land and the buildings thereon. The first is the Court House which can be reliably dated back to 1670 but may have its origins in Saxon times. This building has served the town not only as a courthouse but also as the gaol and the Town Hall. The funds of the trust were revitalised in 1966 when this building was opened as a museum to tell the story of the town's special place in history.

The second is the market place outside the Royal Oak public house and next to Pevensey Castle. Early in the thirteenth century King John awarded Pevensey the right to operate a market in Magna Carta, and this was codified as part of the laws relating to the Cinque Ports. In return for the rights to levy market tolls, enact its own laws and carry out decided punishments, the town of Pevensey committed to provide a guard ship to patrol the coast. Pevensey, therefore became a limb Cinque Port acting in support of Hastings.

The third is the Cattle Market which is now a car park situated to the east of the Castle. From 15 May 2009, when the trust agreed to take this piece of land back from Wealden District Council, this has become the main source of the income of the charity. Funds raised from tourist parking fees now support the maintenance of all of the trust properties in the village.

Although there have been minor difficulties in the functioning of the trust in the past, the Cattle Market car park initiative has not only put the trust on a firm financial footing but was also undertaken with the unanimous support of all of the trustees including the serving parish councillors. On the Thursday before the Jubilee weekend in 2012, the trust hosted a reception at the Court House and invited all the councillors from both Pevensey and Westham to hear about the achievements and future plan of the charity. The event was well attended and was presented as an attempt to bridge any present or future gap, perceived or otherwise, between the councils and the town trust.⁴¹

⁴⁰ ESUSRO, PEV/1155, Pevensey Town Trust Minute Book, 1890-98 (unpaginated).

⁴¹ Email correspondence with Peter Evans, former clerk, Pevensey Town Trust, 22 June 2012.



Illustration 20: The 'Pay And Display' Car Park on the site of the old Cattle Market at Pevensey. Photograph by the author, August 2014.

Thornbury Town Trust

The trust at Thornbury (South Gloucestershire) was amalgamated with other town charities in 1913 to form Thornbury Consolidated Charities. The trustees decided to retain the name Thornbury Town Trust but it is the consolidated body that is registered with the Charity Commission. Although an opinion involving probable bias, this organisation is reported by its chairman as being favourably viewed by those that know of its existence in the community.⁴² In 2015, this chairman was asked for three local contacts (non trustees) who would verify this opinion. Amongst those nominated was the clerk of the local council who did indeed vouchsafe support for the trust by telephone.⁴³

The trust's original almshouses were replaced by four flats when the town centre was redeveloped in 1972. Residents pay a contribution towards services but no rent. The trustees (three nominated by the council and four co-opted from the community) administer Dagg's allotments (80 plots), so named because the land was presented to the borough by Thomas Dagg in 1546. They also manage commercial property in the town and the rent from these together with investment income enables the trustees to assist those in financial need. Many

⁴² Email from Clive Parkinson, chair, Thornbury Town Trust, 29 June 2014.

⁴³ Telecon with Sue Horsfall, clerk, Thornbury Town Council, 26 August 2015.

individuals and other charities have benefited over the years.⁴⁴ However, Thornbury has now become a middle-class commuter town housing many who work in Bristol and there is less need for the trust's charitable giving than hitherto.⁴⁵

In the 1970s, however, the council and trust in Thornbury were in dispute over the historic maces that used to be owned by the town's ancient corporation – a dispute that typically indicates how the existence of a town trust can cause misunderstandings and confusion. The original silver mace, which is unique and priceless, dates from the seventeenth century and was part of the assets of Thornbury Corporation that was passed to Thornbury Town Trust when it was founded in 1890 after the corporation was abolished. There is, however, another mace, a replica that was made by the Victoria and Albert Museum in 1889. This is worth no more than £500.

It was finally agreed that the trust was the rightful owner of the original mace and this was placed in the Bristol Museum for both security and display reasons. The council was awarded ownership of the replica mace and this was placed in a glass case in Thornbury Town Hall.⁴⁶

7.5 Town trusts that have caused recent local governance problems

There are five (out of the sub-group of twenty-five trusts) in this category (20 per cent).

Table 7.7: Town Trusts that have caused recent local governance problems

Name of Trust	Comment
1. New Alresford (Hampshire)	Multiple complaints to Standards Board
2. Brading (Isle of Wight)	Funds raised by car park maintain other public assets
3. East Looe (Cornwall)	Hint of operating outside constitution.
4. Kenfig (Bridgend)	Dispute with community web site.
5. Yarmouth (Isle of Wight)	Dispute over recreation ground

The recent local governance problems caused by the existence of the trust in New Alresford (Hampshire) in the period 2007-11 were detailed in the preface to this thesis.⁴⁷ However, this small market town is not unique in having been left an uncomfortable legacy by the 1883 MCA.

Yarmouth Town Trust

During 2012, there was much more than a hint of a local governance problem in Yarmouth, a port with 600-700 permanent inhabitants on the north-west coast of the Isle of

⁴⁴ GLOSRO, D282/C5, Thornbury Consolidated Charities, Thornbury Town Trust, Historical File.

⁴⁵ Email from Clive Parkinson, chair, Thornbury Town Trust, 29 June 2014.

⁴⁶ GLOSRO, D282/C5, Thornbury Consolidated Charities, Thornbury Town Trust, Historical File.

⁴⁷ See pp. 13-7 above.

Wight which mainly exists today to provide tourist services to the leisure sailing industry.⁴⁸ This town trust was founded by a scheme of arrangement on 30 December 1890. A revised constitution came into effect on 16 June 1931, when the trust relinquished its responsibility for the town's pier and harbour,⁴⁹ and until recently this was the trust's ruling document.⁵⁰ According to this scheme there are supposed to be a total of seven trustees, three co-opted from the community and a majority of four nominated by Yarmouth Town Council.

In 2012, there were only five trustees - three were co-opted and two nominated by the council but these individuals were not serving councillors. This was because trust and council were in the middle of a long dispute. The focus of this was the town's recreation ground that is owned by the trust. This is the only green space that remains above the flood plain in the centre of town and it is surrounded by residential houses.

Since 1931, the trust has rented the ground to the council who had in turn sublet the land to the local football club. There had been many complaints to the council about footballers' language and about them climbing over garden fences to retrieve balls. Some residents wanted the land designated a 'village green space'. If successful, this initiative would preclude any further building on the land and make it available for usage by all of the community, rather than just the members of one football club. On this issue, the majority of the council members supported the residents.

Until relatively recently (the first decade of the current century) the trust was dominated by serving councillors who were also nominated trustees. There is evidence in the council minutes of councillors holding side meetings as trustees to ratify a council initiative.⁵¹ During the last ten years, however, more professional co-opted trustees had been appointed who refused to be dominated by their councillor colleagues.⁵²

These trustees had discovered that, under the scheme of arrangement of 1931, trust land can be leased only for a maximum of twenty-one years. The recreation ground was last leased to the council for twenty-eight years in 1984 and the lease was, therefore, due to expire in 2012. They have also realised that, under the scheme, the same land is held for the benefit of the whole community and not just for the members of one football club. The councillors who dominated the trust in the 1980s, therefore, overrode two of the requirements of the trust's constitution.

⁴⁸ Comment in interview by Lynne Rowcroft, Clerk, Yarmouth Town Trust, 9 December 2011. There are many 'second' or 'holiday' homes in the town.

⁴⁹ See pp. 164-5 above.

⁵⁰ This was achieved in 1931 by the passing of a local parliamentary act which set up separate commissioners for the Yarmouth pier and harbour, [21 & 22, Geo. V, c. 89].

⁵¹ Comment in interview by Clive Tappenden, Archivist, Yarmouth Town Trust, 9 December 2011.

⁵² Comment in interview by Lynne Rowcroft, Clerk, Yarmouth Town Trust, 9 December 2011.

In 2012, the co-opted trustees, after taking legal advice and consulting the Charity Commissioners, were refusing to accept any nominations from the council that included serving councillors because they were likely to vote for the recreation ground becoming 'a village green space'. They were maintaining that serving councillors could not act, according to the code of practice for trustees, 'in the best interests of the charity'.⁵³ Two years ago, the situation was further complicated by the fact that the trust had received an offer from a benefactor organisation to build a recreation centre on the land to replace the pavilion that was in need of restoration and a dilapidated play area for children.⁵⁴

When this scenario was revisited by the author in October 2014, matters were less tense between trust and council. Some compromises between the two bodies had been agreed. The scheme of arrangement of the trust had been amended on 9 September 2013:⁵⁵ and this had lifted the number of trustees from seven to nine and changed the balance to four nominated by the council with five co-opted from the community. A new lease for the recreation ground has been signed between trust and council and the council have sublet the land to the football club. The ground has also been declared a 'village green space' (with the exception of the area covered by the pavilion which it is hoped will be refurbished).⁵⁶



Illustration 21: Yarmouth Recreation Ground; the source of much strife between town trust and town council. Photograph by the author, August 2014.

⁵³ Michael King and Ann Phillips, *Charities Act, 2006* (London, 2007), 80.

⁵⁴ Clive Tappenden, Archivist, Yarmouth Town Trust, 9 December 2011.

⁵⁵ Charity Commission of England & Wales, Search for a Charity, Advanced Search, Yarmouth Town Trust, 7 October 2014, www.charity-commission.gov.uk

⁵⁶ Telephone conversation with Lynne Rowcroft, Clerk to Yarmouth Town Trust, 7 October 2014.

As in New Alresford, it is fair to conclude that the 1883 MCA has left an uncomfortable legacy in Yarmouth. Irrespective of which group of trustees has been at fault in the past, the existence of the trust produced a situation whereby much time and effort has had to be spent in dealing with the tensions of the two groups of trustees involved, plus the financial costs of both sides in the dispute taking legal advice.

Brading Town Trust

The other town trust on the Isle of Wight, at Brading on the eastern side of the island, has also caused local governance problems recently. The words below were penned and circulated to the public by the Clerk to Brading Town Council, under the headline of 'A New Beginning', early in January 2010. They reflected a perceived need by the Council, newly elected in May 2009, to establish a four-year strategic plan to secure the best possible future for the town. Their vision embraced an increased number of tourist visitors. It had soon become apparent to them during the planning process that the land and assets held by the trust in the centre of the town were crucial to their vision of the future.⁵⁷

The Town Council and the Town Trust have agreed to a new way of working together to secure the best possible future for Brading and its people. Both organisations were established over 100 years ago, the Council in 1895 and the Trust in 1890; both have served the town faithfully over the generations since then with different responsibilities and ways of working. Both are now adjusting to the challenges of Brading's future.

The Trust's major work has been to preserve some of the town's most important land and buildings as well as responding to the needs of individual residents and local organisations. Over the years various properties have been sold to maintain the funding base to support that work, and some new acquisitions have been made; most importantly, the vital resource for the towns' residents of Beech Grove, where the newly planted Betty's Copse is a fitting symbol of the contributions of Betty Howell's family to the Trust's work.

Most recently, in looking to secure the sustainability of the Town Trust Car Park and the Old Town Hall, both have been leased by the Trust to Brading Trading Limited, the company that owns Brading The Experience. In a series of recent meetings in which the Council have shared their hopes and plans for the future with the Trustees, it has been agreed that both of these assets, and the New Town Hall, can be transferred to Council ownership together with funds for their support and development.

The Trust will maintain ownership and responsibility for Beech Grove and will continue its work of occasional grants to those in need. Implementing these changes is linked to securing maximum legal protections against any future sale of these major corporate assets. It has been agreed that the Council and the Trust

⁵⁷ Brading Town Council, Minutes of Town Council Meeting, 26 November 2009, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/26november

will work together in securing all of the related legal and charitable documentation.⁵⁸

Whilst a joint meeting between Trust and Council on the subjects outlined in the newsletter shown above had taken place on 17 November 2009, all that the Town Trustees had agreed to was a continuance of the discussions.⁵⁹ The Town Clerk's publicly circulated words were, therefore, premature and they created a storm of protest in the town that took twelve months to die down.

The situation was complicated by arguments as to who should comprise the body of the Town Trustees. The Trust had been founded on 13 May 1890; its constitutional scheme of arrangement was adapted in 1925 and again in 1986. That latest document stipulated that the Trust should be run by five competent persons, of whom two were to be co-opted from the community for a term of five years and three nominated by the Council for a term of four years. Council nominations to the Trust had, in fact, ceased after 1992.

Here, there were faults on both sides. The Trust had failed to notify the Council that nominated vacancies were due to occur and the Council had failed to remember that it had a duty to nominate trustees when the four-year terms of their incumbents came to an end. In 2009, Brading Town Trust was run by seven trustees (two above the number stipulated by their scheme of arrangement), of whom three had been originally nominated by the Council. However, of these three trustees, two had been nominated in 1985 and the other in 1992. They had merely continued in post without any reference to the Council. In addition, two further co-opted trustees had been added, giving the co-opted trustees a majority of four to three over those nominated.

In the light of the Town Clerk's public statement that the Council wished to take over the majority of the assets of the Trust, Council nominations to the board of Brading Town Trust became an emotive issue. The first Council meeting of the year, in January 2010, attracted a record attendance from members of the public; more than 100 were present.⁶⁰ Both the Mayor and the Town Clerk were criticised for their high-handed attitudes and their statement that they wished to take over the assets of the Trust. Public sympathy was definitely on the side of the Town Trustees. One councillor was moved to remark that, 'This is my saddest day in all of the years I have been involved as a councillor and, we must ensure that we communicate better with the residents so that it doesn't happen again'.⁶¹

⁵⁸ Brading Matters, E-Newsletter of Brading Town Council, January 2010.

⁵⁹ Brading Town Council, Minutes of Town Council Meeting, 26 November 2009, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/26november

⁶⁰ Isle of Wight News, 28 January 2010, 9 December 2011, www.ventnorblog.com/2010/01/28/brading-town-council-meeting-live-coverage

⁶¹ These words were spoken by Cllr Marianne Sullivan, 13 January 2012, www.iwcp/news/saddestday

Early in 2010, when the matter was referred to them, the Charity Commission ruled that, in view of the length of time since the last Council nomination (1992), the current trustees (in place for 2009/10) should be regarded as 'de facto' trustees. However, it also stipulated that the current trustees should seek to regularise the matter, either in accordance within the provisions of the governing scheme, or via an amendment to those provisions restructuring the manner in which the trustee body was established.⁶²

In March 2010, the Town Clerk received the following e-mail from the Charity Commission:

We have now clearly advised all concerned that if the Town Council now chooses to exercise its powers of appointment to the trustee body, then it is free to do so and does not require any consent or agreement from the other trustees or the Commission. The Council (as Nominating Body) may, therefore, make its appointments at any time it chooses, notify these to the other trustees and having done so would have exercised its powers under the charity's existing document and has no basis to be further involved (other than its entirely separate role as Local Authority where it has interests that overlap, conflict or complement those of the Charity).⁶³

When they were advised of this, the Town Trustees responded by passing a resolution in June 2010, after taking legal advice. This resolution amended their 1986 scheme and increased the number of co-opted trustees from two to six, allowing for a total of nine trustees to be appointed to the charity.⁶⁴ As this resolution was unanimously supported by the current trustees, and the fact that they had been recognised by the Charity Commission as 'de facto' trustees, the commissioners raised no objection.

At the July Town Council meeting, councillors pressed ahead in their determination to reaffirm their right to nominate three trustees. Fifty-four members of the public were present when the resolution was passed. One councillor went to the trouble of asking that his vote 'against' be recorded and thirty-two people immediately left the meeting, expressing their opposition to the resolution.⁶⁵ However, this was not a hard-line Council decision. The council was on the defensive; in view of the public outcry, the resolution stated that the nominated trustees would not be members of Brading Town Council and that nominations would result from a selection process that would be undertaken after the posts had been advertised.

⁶² Brading Town Council, Minutes of Town Council Meeting, 22 July 2010, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/22july

⁶³ Brading Town Council, Minutes of Town Council Meeting, 22 July 2010, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/22july

⁶⁴ Letter from the Chair of the Town Trustees to Brading Town Council, 16 June 2010.

⁶⁵ Brading Town Council, Minutes of Town Council Meeting, 22 July 2010, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/22july

The advertisement attracted six applicants and in November, the announcement of the appointment of three council-nominated Town Trustees was made, each for a four-year term.⁶⁶ Two of the three individuals involved, however, had spoken critically of the Council at the January 2010 meeting. In December, the Council was moved to resolve, 'in the light of the many misunderstandings that have occurred over the last year, the Town Council wishes to state that it fully respects the independence of the Town Trust and its absolute right to determine the future management and deployment of the assets it holds'.⁶⁷

In conclusion, out of neglect and a clumsy public relations initiative, Brading Town Council has moved from a position where it used to have three council nominated trustees on Brading Town Trust as against two who were co-opted. It now has only three out of a total of nine trustees. In addition, they have no guarantees even that their three nominated representatives (because they are not councillors and are likely to be supporters of the trust) will represent their views. And, presumably, a precedent has been set which will be, if not impossible, very difficult to overturn.

Kenfig Corporation Trust

A long and bitter dispute between the Kenfig Corporation Trust and a local landowner, the Margam Estate, over the ownership of the common land surrounding the Kenfig area started in 1959 and was not settled until 1971 at the High Court in London when ownership was awarded to the trust. The Kenfig Corporation Trust finally won the day when the Margam Estate withdrew their appeal against this verdict on 10 November 1972.⁶⁸ A nature reserve was established to protect and preserve the wildlife of the area and was officially opened on 20 May 1980.

Kenfig.org Local Community Group is a web-site local history project that is in part sponsored by the Welsh Assembly Government and Bridgend County Council. It has been granted Heritage Status by both the British Library and the National Library of Wales. This web-site contains the following words:

Since 2004, when Kenfig.org was registered as a community group, Kenfig Corporation Trust has refused to recognise our existence. We have made applications to the trust for help and support for this heritage project, only to have the door slammed in our faces on every occasion with no explanation. The trustees refuse to even acknowledge our existence and totally ignore our attempts to communicate with them. A formal complaint has been made to the Welsh Assembly Government about the conduct and management of the Kenfig Corporation Trust.⁶⁹

⁶⁶ Brading Town Council, Minutes of Town Council Meeting, 4 November 2010, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/4november

⁶⁷ Brading Town Council, Minutes of Town Council Meeting, 7 December 2010, 11 December 2011, www.bradingtowncouncil/documents/minutes/2009/7december

⁶⁸ GLAMA, BK183, Kenfig Corporation Trust, Minute Book, 1953-72.

⁶⁹ www.Kenfig.org/Kenfig/TheCompleteHistory/History/TheKenfigCorporationTrust, 10 January 2014.

The Kenfig.org web-site hints at a possible reason for the uncooperative attitude of the Kenfig town trustees. The site author believes that the trustees think that they own the history of their town and do not want anyone else muscling in on their territory. If that is so, then it is doubly ironic that a decent and detailed history of Kenfig Corporation Trust has been written by someone other than a trustee (and presumably without their knowledge) for this local heritage web-site.

East Looe Town Trust

There is a substantial hint of a twenty-first century local governance problem on the website of East Looe Town Trust.⁷⁰ Amongst the profiles of the current (2014) trustees, one of them has had the following written about him:

Colin Cotton became a trustee in 2002 and was chairman from 2009-11. My appointment was by way of Looe Town Council. My concerns (and others had them at that time) were that the Town Trust Articles and Guidelines were not in line with its constitution. My thoughts being that my weight would help, if not rectify, my suspicion of misconduct.

It is not known how this suspicion of misconduct was mitigated as the records of East Looe Town Trust have never been archived and the author was denied access to the unarchived material. Colin Cotton did not reply to letters or emails from the author.

What is apparent in all five of the trusts that have caused recent local governance problems is that the disruption involved always features 'people problems'. This is certainly true in the cases of those at New Alresford, Brading and Yarmouth. The Charity Commission has a phrase that it uses to describe troublesome, argumentative or combative individuals on the boards of the organisations they regulate – they are named 'rogue trustees'.⁷¹ In this context, there must also be 'rogue councillors' who also sit on the boards of the trusts in the towns with local governance problems. It is people who have caused the problems and presumably the other 75 per cent of the charities under study for this project that have both volunteer and elected councillor trustees have avoided 'rogue' trustees and councillors.

The grouping of these five trusts in this category does not mean that these organisations do not perform other good works in their communities. For example, the trust in New Alresford runs a community minibus for the benefit of the elderly and disabled in the town; the trustees in Brading have developed Betty's Copse, an area of woodland open for the enjoyment of the public close to the town centre and several municipal assets,

⁷⁰ www.eastlooe towntrust.co.uk 13 January 2014.

⁷¹ Conversations with Quentin Elston and Samantha O'Sullivan, charity law experts, 19 July 2010.

including the town hall and the recreation ground in Yarmouth, are managed and maintained at no cost to the rate payer.

7.6 Town Trusts that failed to respond to email and letter requests

Seven town trusts (18.9 per cent of the cadre) failed to reply to the author's email and letter requests to detail their history and current activities. Each of these organisations was approached on at least three separate occasions.

Table 7.8: Town Trusts that did not respond to email or letter requests for information

Name of Trust	Comment
1. Bovey Tracey (Devon)	Nothing in the public domain available for analysis
2. Brading (Isle of Wight)	Other material available for analysis
3. Clun (Shropshire)	Other material available for analysis
4. Cilgerran (Pembrokeshire)	Nothing in the public domain available for analysis
5. Llantrisant (Rhondda Cynon Taff)	Other material available for analysis
6. Loughor (Swansea)	Nothing in the public domain available for analysis
7. Nefyn (Gwynedd)	Nothing in the public domain available for analysis

With three of this group of seven, there was enough material discovered in County Record Offices (books, newspapers, pamphlets, local histories, *Victoria County Histories*) or in the press and media. Alternatively, the organisations had their own websites containing both current and historical material. These were Brading, Clun and Llantrisant and this permitted both analysis and categorisation.

However, with the others in this group, (10.8 per cent of the total sample) no research material was found in the relevant County Record Offices or local press and the charity concerned did not have a website. These were the trusts in Bovey Tracey, Cilgerran, Loughor and Nefyn. The only material available to the author for these four trusts was that contained on the Charity Commission web site. Categorisations were made from this source only together with comparisons to other trusts in the cadre (see Appendix 10).

7.7 Conclusions

Below, there is a summary of the categorisations that have been used in this chapter:

Table 7.9: A summary of the current categorisations of the town trusts

No.	Name of Town Trust	Comment
1	New Alresford Town Trust	Recent local governance problems
2	Axbridge Town Trust	No split factions from the start
3	Berkeley Town Hall	Closed
4	Bovey Tracey Town Trust	No problems
5	Brading Town Trust	Recent local governance problems
6	Bradinch Town Trust	No problems
7	Camelford Town Trust	No problems

No.	Name of Town Trust	Comment
8	Chipping Campden Town Trust	Council subsumed
9	Chipping Sodbury Town Trust	No problems
10	Clun Town Trust	No problems
11	Corfe Castle Town Trust	No problems
12	Dunwich Town Trust	No split factions from the start
13	Dursley Town Trust	Problems in the past but not now
14	East Looe Town Trust	Recent local governance problems
15	Fordwich Town Trust	No split factions from the start
16	Garstang Town Trust	No problems
17	Harton Town Trust	No problems
18	Holt Town Trust	No problems
19	Ilchester Town Trust	No problems
20	Kenfig Corporation Trust	Recent local governance problems
21	Cilgerran Town Trust	No problems
22	Langport Town Trust	Council subsumed
23	Llantrisant Town Trust	No problems
24	Loughor Town Trust	No problems
25	Marazion Town Trust	No problems
26	Midhurst Town Trust	No problems
27	Nefyn Town Trust	No problems
28	Orford Town Trust	Council subsumed
29	Pevensey Town Trust	Problems in the past but not now
30	New Radnor Town Trust	No problems
31	St Clears Town Trust	No split factions from the start
32	Thornbury Town Trust	Problems in the past but not now
33	Westbury Town Trust	Closed
34	Winchcombe Town Trust	No split factions from the start
35	Wootton Bassett Town and Hall Trust	Council subsumed
36	Wotton-under-Edge Town Trust	Council subsumed
37	Yarmouth Town Trust	Recent local governance problems

This analysis breaks down as follows:

Table 7.10: A breakdown of the categories

Category	Number	%	Cumulative
Closed	2	5.4	2
No split factions from the start	5	13.5	7
Council subsumed	5	13.5	12
No problems	17	45.9	29
Problems in the past but no longer	3	8.1	32
Caused recent governance problems	5	13.5	37
Total	37	100.0	

This analysis has surprised the author. Having lived for ten years in a town that housed a trust that had ‘caused recent governance problems’ (New Alresford, Hampshire), there was an expectation that many other trusts established at around the same time would have proved similarly ‘troublesome’. This expectation, however, was not fulfilled. In only four other towns (and therefore only 13.5 per cent of the total sample) could any aspect of recent local governance disruption be detected. And in one of those cases (East Looe, Cornwall), the author did not have access to the primary records - as they remain unarchived, unsorted and unavailable to the public.

In only three other cases (8.1 per cent of the total sample) could evidence be found of previous local governance disruptions but these had now ceased to exist – Dursley (Gloucestershire), Pevensey (East Sussex) and Thornbury (South Gloucestershire). In only one other case, in the group that had either been closed or council subsumed, could ‘troublesome’ evidence be found – Wootton Bassett (Wiltshire).

If all of these ‘troublesome’ trusts are added together, they only come to a total of nine (24.3 per cent of the total cadre). The obverse of this statistic is that three-quarters of the town trusts established as a result of the 1883 MCA have caused no local governance problems at all.

Some of these organisations were lucky: five of them escaped split factions from the start. Five more were unfortunate financially (or lacked sufficient trustees) and had to be rescued by their local town (or parish or community) councils. Two more went bankrupt and had to be closed. But that still left twenty-five surviving trusts that had a mix of councillor and volunteer trustees. Somehow three-quarters of these organisations have managed to make the situation, where unelected individuals are responsible for public assets, work successfully.

When seen through eyes other than those of the author, it is probably logical that the majority of town trusts have not proved ‘troublesome’. If they had all been like the charities in New Alresford, Brading and Yarmouth, there is every possibility that ‘something would have been done about them’ – probably starting with questions being raised by relevant MPs in the House of Commons. Because such small numbers of these trusts have caused problems, this has never happened. There is also another aspect to their lack of cadre publicity – in almost every case researched, the trustees believed that their organisation was unique and they did not know of the existence of other trusts founded at around the same time.

The question all of this begs is why have so many proved ‘non-troublesome’? In all probability, there is a four-way answer to the question. First, most of the trusts have small incomes and small asset bases and in that sense are probably not worth arguing about. Second, many councillors must have realised that the existence of the trust means that the council does get something for nothing. It is a universal truism across all of the trusts that most of the work is done by the volunteer co-opted trustees rather than those nominated by the council. (Elected councillors almost always put council duties before trust duties). The public assets owned by the trusts are therefore maintained by volunteer labour and using charitable funds (i.e. at no cost to the council or the rate payer). Third, as discussed

earlier,⁷² if councillors have ever challenged the right of the trusts to own public assets, they have been seen off by the strength of charity law and the power of the Charity Commission. However, fourth and finally, the relationships between volunteer trustees and elected councillors fundamentally come down to people and their relationships in working together.

If for any reason, these relationships are not of the best, it must also be recognised that the existence of nine trusts (24.3 per cent) that either have caused, or are still causing 'local governance problems' does indicate that the structure of the trusts established in the wake of the 1883 MCA does have the potential to cause both misunderstandings and arguments between councillors and volunteer trustees if individuals on either side choose to be difficult, unco-operative or argumentative.

⁷² See pp. 150-71 above.

CONCLUSIONS

8.1 Introduction

The author's home town, New Alresford in Hampshire (population in 2001 - 5,102), has two official bodies that own and manage the town's public assets. There is the usual democratically elected town council but more unusually there is also a charitable town trust, on the board of which sit co-opted and unelected individuals. Founded in 1890, the existence of the trust has periodically caused severe local governance problems (disagreements between councillors and trustees that have financially disadvantaged the town's ratepayers) for the last 130 years.

New Alresford Town Trust (NATT) exists because Gladstone's second Liberal government passed a Municipal Corporations Act (MCA) in 1883 which abolished a rump of 110 ancient and undemocratic borough corporations. These bodies had been ignored by the ground-breaking 1835 MCA and all other earlier nineteenth-century municipal reforms. According to the terms of the 1883 MCA, the Borough Corporation of the Bailiff and Burgesses of New Alresford ceased to exist on 29 September 1886.

This borough corporation, however, had owned physical assets in the town – land and buildings – together with franchises – the right to run animal markets and fairs. Something had to be done with these assets and rights which were held for and on behalf of the town's residents. As this occurred before the establishment of the parish council in 1895, the assets and rights of the abolished corporation were placed in the voluntary sector under the control of the charitable NATT.¹

The above paragraphs describe the start of the process that led to this thesis being researched and written. Its object being to unveil the overall impact of the 1883 MCA, a statute, albeit minor, that had previously escaped the attention of academic historians. The aim was to discover if the experiences of the local governance disruptions in New Alresford had been repeated in other towns and if not how they had been prevented.

8.2 The other town trusts

The focus of the 1883 MCA was the 110 ancient and undemocratic municipal borough corporations in England and Wales that still existed in the 1880s. The largest twenty-eight towns were democratically reformed, given royal charters and granted permission to elect town councils. Three corporations were allowed to remain in existence for special reasons

¹ See pp. 11-5 above.

but retained no municipal powers.² Four more towns were granted permission to elect an 'honorary' mayor but this was a nominal position holding no municipal responsibilities. In addition, the 1883 MCA summarily abolished seventy-six municipal borough corporations, all of them on or before 29 September 1886.

In thirty-one of these seventy-six cases the corporations owned no assets or franchises. In the other forty-five towns, however, they did. In eight of these boroughs these assets and rights were transferred into local government bodies. In the remaining thirty-seven former boroughs, town trusts were created to manage the assets and rights of the abolished corporations.

Kenfig Corporation Trust was established as a charity by the [central] Local Government Board in 1886. In thirty-two other cases town trusts were founded by the Charity Commissioners in the period 1888-91. However, the 1883 MCA was still being applied to trusts in 1899 at Chipping Sodbury (Gloucestershire), in 1910 at Midhurst (West Sussex), in 1924 at Clun (Shropshire) and in 1958 at Berkeley (Gloucestershire).³

Research therefore revealed that in addition to NATT, there were thirty-six other town trusts created in the aftermath of the 1883 MCA.⁴ Like New Alresford, most were situated in small market towns and mainly in the south of England and in Wales. Although some of the towns have now grown considerably, all of them had populations of fewer than 3,000 at the time of the 1883 MCA.⁵

8.3 Undemocratic, anomalous and anachronistic

Through twenty-first century eyes, these town trusts can certainly be judged to be undemocratic. Although they own public assets, their meetings are not open to the public and neither are their agendas and minutes produced for public scrutiny. With no public sector reporting relationship to any of the three tiers of local government and an involvement of unelected individuals, they lack at least three of the essential ingredients of what constitutes democracy in 2014.

These charities became anomalies as soon as they were created. In the period 1888-91 the responsibility for protecting public rights and assets in towns with a population of more than 3,000 inhabitants rested with a democratically elected borough council. Reforming democratic royal charters had been granted to 294 such towns by the time the trusts were founded. That responsibility in towns and villages with fewer than 3,000 people was usually undertaken by a parish vestry or a set of churchwardens and there were

² Malmesbury (Wiltshire) features in both of these categories which is why the subsets total 111, rather than 110.

³ See pp. 103-10 above.

⁴ See pp. 96-117 above.

⁵ See pp. 27-8 above.

probably more than 7,000 of these bodies existing at the start of the last decade of the nineteenth century. By contrast, as has already been stated, only thirty-seven town trusts were set up under the auspices of the 1883 MCA.

Although these trusts would probably not have been seen as such when they were founded, through a twenty-first century lens they can certainly be viewed as anachronistic. They are the direct descendants of the ancient and unelected borough corporations that had governed these towns, in some cases since medieval times. These are the last surviving organisations from an age when democracy at parish level did not exist. It is these three ambiguities that made these bodies worthy of study.⁶ Two of these thirty-seven town trusts have since been closed and five more have been fully subsumed back into their respective parish or town councils. However, in the thirty towns where these trusts are still active, the consequences of the 1883 MCA are still being felt today.⁷

The aim of this thesis was always to explore three questions. What was the foundation of these charities intended to achieve? Why have a majority of them survived even though local enfranchisement expanded shortly afterwards to embrace the totality of local government? And finally, why do current (and unelected) town trustees continue to undertake civic responsibilities that in all other towns are fully under the auspices of an elected local authority?

8.4 The structure of the town trusts

When the majority of the town trusts were founded (1888-91) they were allocated a mix of trustees by the Charity Commission. Although there were other categories of trustee used in differing towns, the two main groups were named 'co-optative' (co-opted) and 'representative'. The co-optative trustees were former burgesses who were co-opted by the commissioners to continue to manage the assets and franchises of an abolished corporation. The representative trustees were elected in most cases by the church vestry. All ratepayers were entitled to vote at a vestry election but few usually did so.⁸

When parish councils came in to being on 1 April 1895, the Charity Commission ruled that the 'representative' trustees on each trust (when their term of office had expired) had in future to be nominated by their respective parish council. Most councils nominated (and still nominate) serving (or recently retired) councillors as representative trustees. For example, on the board of NATT in 1896, there were four co-opted former burgess trustees and five nominated by the parish council.⁹

⁶ See p. 16 above.

⁷ See p. 115 above.

⁸ See pp. 28-33 above.

⁹ See pp. 30-5 above.

In this way, a majority of these town trusts became a halfway house between the undemocratic borough corporations they replaced and full local democracy that was introduced at parish level in 1895. Their structure became 'semi-democratic', with both elected councillor involvement but also with volunteers acting as co-opted trustees. The trusts also had no accountability to any of the three tiers of local government, even though they owned public assets and rights. Theirs' was a structure that was doubly ambiguous, potentially open to misinterpretation and exploitation from the start.¹⁰

8.5 The history of the governance of the trust towns

The charities that were created by the 1883 MCA in the thirty-seven trust towns were an extremely small cadre. They were (and are) the only surviving descendants of the 296 ancient corporations that governed the English and Welsh boroughs in centuries past. Their combined history is essentially one of a decline in importance.

Some of these ancient boroughs were 'municipal and parliamentary' and others 'municipal only'. Although they had small populations in the 1880s, in previous times, twenty of these towns had been important enough to send two MPs to the House of Commons. Four of them had let this right lapse prior to the 1832 Reform Act (this group included New Alresford) but the other sixteen extended their parliamentary borough status well into the 1830s (and eight of them much further than that).

Eight of the English towns that formed trusts were disenfranchised as 'rotten boroughs' in 1832. Two more continued their parliamentary representation after the Great Reform Act, but with one MP rather than the two to which they had been entitled beforehand. Five Welsh nineteenth-century out-boroughs also went on to form town trusts, together with one main Welsh borough (New Radnor).

Of the other seventeen towns that formed trusts, six had possessed royal charters and one a Baronial Charter that were 'municipal but not parliamentary'. The remaining ten boroughs had been incorporated by self-prescription and based their claims to nineteenth-century municipal status on custom and long usage.¹¹

Amongst the trust towns there were eight parliamentary boroughs (or Welsh out-boroughs) that survived both the 1832 and 1867 Reform Acts. They all eventually lost their right to representation at Westminster. For three of them, this occurred in 1885 before their town trusts were founded, through the Redistribution of Seats Act that followed the 1884 reforming statute. The remaining five were abolished by the

¹⁰ See p. 33 above.

¹¹ See p. 92 above.

boundary changes that were implemented after the further extension of the parliamentary franchise in 1918.¹²

8.6 What in the historiography chapter might make future history textbooks?

A strong case has been made for marking the 1832 Reform Act as the start of nineteenth-century municipal reform. In most current history textbooks, the beginning of the municipal reform process is usually identified as the 1835 MCA. This conclusion was reached for three reasons.

First, the Whigs passed the 1835 MCA with the express intention of consolidating the party political gains they had made as a result of the 1832 Reform Act. They believed that most elected councils in the boroughs would be Whig dominated and they reasoned that a Whig dominated municipal council would be unlikely to endorse a Tory parliamentary candidate at a general election. The 1835 MCA followed on the heels of the 1832 Reform Act but without the latter, the former may not have happened.

Second, the towns that gained new parliamentary borough status in 1832 pioneered the municipal incorporation process for the unincorporated towns. Eighteen of the first twenty-two applications for a royal charter of municipal incorporation came from towns in this category – examples included Birmingham, Manchester and Sheffield. Therefore, without the 1832 statute granting parliamentary borough status, the municipal incorporation process may not have occurred.

Third, it is logical that an increase in the franchise at national level should be followed by pressure to increase the franchise at local level – to increase the influence of a greater number of people over services that were deemed important to the town concerned. This was certainly true of the 1830s with the 1835 MCA following soon after the 1832 Reform Act.

However, this third point can be extended further to make another case that does not appear in current history textbooks. Namely, that a pressure for municipal reform followed all three nineteenth-century parliamentary reform acts – 1832, 1867 and 1884. After 1867, the 1869 and 1878 Parliamentary and Municipal Registration Acts were passed and these resulted in a 40 per cent increase in the borough electorate at both national and local levels between 1869 and 1883. Also during this period twenty-six more large towns successfully applied for royal charters to enable them to elect a council. After the 1884 Reform Act, came the municipal reforms of 1888 (County Councils) and 1894 (Parish and District Councils).¹³

¹² See p. 92 above.

¹³ See p. 93-4 above.

A further point that is not included in current history textbooks is the analysis of the seven tranches of nineteenth-century municipal borough reform, which occurred from 1835-99. This commenced with tranche one, the 178 boroughs reformed by the 1835 MCA and finished with a rush of forty-three towns applying for royal charters between 1886-99 in tranche seven. In tranche six, came the twenty-eight boroughs forced to reform by the 1883 MCA.¹⁴

8.7 What was the foundation of these charities intended to achieve?

The majority of the trusts were formed, before the introduction of parish councils in 1895, to provide a home for the public assets and rights of the remaining ancient corporations that were abolished in 1886.¹⁵ The 'champion' of the 1883 MCA was a radical Liberal politician (and lawyer) named Sir Charles Dilke. Such was his influence over this piece of legislation, the statute could have been (and still could be) referred to as the 'Dilke Act'. He both initiated the Royal Commission that inquired into the unreformed corporations and he drafted the bill that went before Parliament.

It was his decision to invoke the voluntary sector – he ignored a recommendation from the Royal Commissioners (1876-80) to place these assets and rights with Local Government Boards (LGBs). Dilke did not record a reason for this decision or if he did it has since been removed from his papers. Neither is there any mention of this in any of his numerous letters to his closest political ally, Joseph Chamberlain, in the papers of his niece and beneficiary or in those of his earliest biographer. So, one is left only with deduction and supposition.

We need to place the 1883 MCA in its context. It was the intention of the Liberals of the early 1880s to expand both the national and local government franchises. Dilke was both aware and a keen supporter of this intention - he had chaired a cabinet committee that had drafted a bill to this effect. The Liberals passed the 1882 MCA and the 1884 Reform Act, Conservatives were responsible for the 1888 Local Government Act (County Councils) but the Liberals were in power in 1894 when another Local Government Act established Parish and District Councils. Such is politics that the intention took twelve years to be translated into reality.

As part of this overall plan, it could be argued that the 1883 Act was a bad statute because it failed to anticipate the creation of parish councils or that the list of Liberal reforms had been undertaken in the wrong order. However, that is not the way that politics works (or worked). Politicians are as opportunistic as other people and if they see an

¹⁴ See p. 90 above.

¹⁵ See pp. 18-21 above.

opportunity to take a favourable step forward (to abolish unelected corporations) – they take it. This is what Dilke must have done before realising that he had created a problem for himself – what to do with the assets and rights that were to be left behind by abolition.

There are two practical reasons for Dilke acting as he did and resorting to the voluntary sector. First, the laws surrounding charities and the Charity Commission were very well established by contrast to the LGB system which was not yet a decade old. Second, the ancient corporations already had existing relationships with the Charity Commissioners who oversaw the management of their ‘alms to the poor’ charities.

Regarding Dilke’s objectives, they were also probably twofold. He disliked and distrusted the ancient corporation members because they were self-appointed and because many of them were corrupt. First, if their assets were placed in the voluntary sector, Dilke (as a lawyer) would have known that it would be very difficult for them ever to be retrieved.

Once an asset has entered the voluntary sector, the Charity Commission’s attitude was (and is) that it becomes a charitable asset permanently and irretrievably, with no reference back to the fact that it had once been an asset belonging to the public sector. Only in cases of trust bankruptcy (or a lack of trustees) have commissioners allowed such assets to return to the public sector.

Second, the trusts that he caused to be created were also financially self-standing, reliant on raising their own funds. They were free from needing any support from ratepayers or requiring any other grants from central or local government. In other words the assets and rights of the old corporations were being ‘ring-fenced’ and kept completely separate from current or future Liberal initiatives.¹⁶

8.8 Why have the town trusts survived?

The survival rate of the town trusts established by the 1883 MCA is 81 per cent; thirty of thirty-seven still exist today in 2014, more than 130 years after the statute was passed. In the beginning, undoubtedly, the commitment of the co-opted members of the abolished corporations to the assets and rights of their former organisations was a significant factor in ensuring survival. The fact that these former corporation members served their trusts for life meant that the existence of these charities was ensured for a considerable time. For example In New Alresford, local solicitor John Ridley Shield served as chairman of the town trust for forty-nine years until he died in 1939.¹⁷

However, the major reasons for the survival of these town trusts are the strength of charity law and the protective attitudes of the Charity Commissioners. Both were strong in

¹⁶ See pp. 149-51 above.

¹⁷ See p. 155 above.

the 1890s – when several trusts suggested transferring their assets to the newly formed parish councils, their requests were either refused or ignored. Seemingly, even in the nineteenth century, if an asset was deposited in the voluntary sector, the attitude of the commissioners was that it should stay there if at all possible.

In the second half of the twentieth century, this situation has hardened even further. Before 1960, it was possible to transfer an asset from a trust to a council. By the 1960 Charities Act, the assets of charities became permanent endowments meaning that they can only be transferred to another charity. Five trusts have been subsumed back into councils since this date due to either bankruptcy or a shortage of suitable trustees. To do this however, the councils have had to create charities with individual councillors or a council en bloc serving as trustees and annual returns still have to be made to the Charity Commission.

Today in 2014, there are only two reasons why a trust might not survive – bankruptcy or a shortage of trustees. Irrespective of anyone else's views (be they a councillor or a member of the public) there is nothing that can be done to take an asset or a right away from a town trust. Their future is guaranteed by the Charity Commission and this situation looks unlikely to change.¹⁸

8.9 The town trusts today

After research, the thirty-seven trusts were categorised into those that had closed (two), those subsumed into their respective councils (five), those with 'no warring factions from the start' (five), those causing no local governance problems (seventeen), those that have caused problems in the past but no longer do so (three) and those that have caused recent local governance problems (five).¹⁹

Evidence of 'troublesomeness' was not only found in five trusts recently (New Alresford, Brading, East Looe, Kenfig and Yarmouth) but also in one of the trusts before it was subsumed into a council (Wootton Bassett). If these six are added to the three that proved 'troublesome' in the past but no longer do so (Dursley, Pevensey and Thrbury), the total of 'troublesome' trusts is nine (25 per cent of the cadre). The reverse of this statistic is that 75 per cent of the town trusts established by the 1883 MCA have existed in harmony with their respective councils for well over a century.²⁰

Some of this group were distinctly fortunate – five escaped 'split factions from the start'.²¹ With the five have been subsumed back into their respective councils and the two have been closed, this makes a total of twelve. This leaves twenty-five that have a

¹⁸ See pp. 158-71 above.

¹⁹ See pp. 197-8 above.

²⁰ See pp. 198-200 above.

²¹ See pp. 34-5 above.

potentially volatile mix of volunteer and councillor trustees. Of these twenty-five, seventeen, however, have proved 'non-troublesome'.

This analysis did not meet the 'start of the project' expectations of the author. Living in the 'troublesome' trust town of New Alresford, the initial expectation was that far more of the trusts would have proved 'troublesome' to local governance over time. There are probably three reasons why this did not occur. One, the trusts are predominantly small financially and therefore not worth an argument. Two, trusts do save their councils money – the volunteers work for nothing and funds for public assets are raised outside the rates. Three, councillors who have sought to challenge the right of a trust to own a public asset have quickly and efficiently been told the position under charity law by the Charity Commission

Having said this, it must be stated that the nine trusts (25 per cent) that have proved to be 'troublesome' over time, do indicate that the structure of the trusts determined by Sir Charles Dilke, the 1883 MCA and the Charity Commission does have the potential to cause 'troublesomeness' between volunteer trustees and serving councillors.

8.10 What comes next?

The town trusts of Camelford and East Looe (both Cornwall) do have records but they are unarchived. It is hoped that this PhD research initiative provokes the completion of an archiving process that (the author has been told) has been started in both places. It is hoped that the records of both of these charities will be deposited in the Cornwall Record Office.

A list of the town trusts with contact details will be circulated to the thirty-seven trust clerks ensuring that each organisation knows of the existence of all of the others. It is known that several of these charities are now talking to each other – seeking advice on current difficult issues. This is a distinct improvement on each trust regarding itself as unique and having to solve every problem alone.

Representatives of thirteen of the trusts have requested a copy of this thesis and these will be distributed – either electronically or by mail. It is hoped that the receipt of this document by the trustees will not only provide insights into 'why things are the way they are' but will also smooth the path of any current or future difficulties.

There is a possibility of a lecture tour taking in the local history societies of some of the trust towns concerned. Several have already expressed an interest. There is also every possibility of turning this thesis into a book or articles if an academic publisher comes forward or can be found.

EPILOGUE

NEW ALRESFORD TOWN TRUST

The author was present at a meeting of the New Alresford Town Council on 11 June 2015. At that assembly the following two resolutions were carried:

1. That the council raised no objections to the proposed restructuring of New Alresford Town Trust (NATT), removing its ability to nominate five of the town trustees. This is subject to the following resolution being agreed and carried out.
2. That the five trustees, previously nominated by the council, be elected by members of NATT following the implementation of a suitable membership scheme open to residents over the age of sixteen from Alresford and its surrounding villages within eighteen months of the agreement of the new structure of the trust by the Charity Commission.

Although not finalised at the time of writing (June 2015), there is a plan in place in New Alresford (where this thesis originated) to remove the battleground between town council and town trust. Perhaps for the first time for 120 years, since 1895, there will be no more warring factions on the board of NATT and that the local government of the town can proceed on a smoother basis.

It would be nice to think that talking about the findings of five years of academic study 2009-15 (Masters degree and PhD) had achieved a lasting result in the author's home town.

Brian Rothwell

June 2015

APPENDIX 1

Municipal boroughs investigated by the Royal Commission 1833-35 (284) and those towns incorporated by the 1835 Municipal Corporations Act (178).

No.	Town	County/Admin area	Incorporated
1	Aberavon	Neath	
2	Aberystwyth	Ceredigion	1835
3	Abingdon	Berkshire	1835
4	Aldeburgh	Suffolk	
5	Alnwick	Northumberland	
6	Altrincham	Trafford	
7	Andover	Hampshire	1835
8	Appleby	Cumbria	
9	Arundel	West Sussex	1835
10	Ashton-under-Lyne	Tameside	
11	Axbridge *	Somerset	
12	Bala	Conwy	
13	Banbury	Oxfordshire	1835
14	Bangor	Gwynedd	
15	Barnstable	Devon	1835
16	Basingstoke	Hampshire	1835
17	Bath	Bath & N.E. S'set	1835
18	Beaumaris	Isle of Anglesey	1835
19	Beccles	Suffolk	1835
20	Bedford	Bedfordshire	1835
21	Berkeley *	Gloucestershire	
22	Berwick-upon-Tweed	Northumberland	1835
23	Beverley	E.R. Yorkshire	1835
24	Bewdley	Worcestershire	1835
25	Bideford	Devon	1835
26	Bishops Castle	Shropshire	
27	Blandford Forum	Dorset	1835
28	Bodmin	Cornwall	1835
29	Bossiney	Cornwall	
30	Boston	Lincolnshire	1835
31	Brackley	Northamptonshire	
32	Brading *	Isle of Wight	
33	Bradninch *	Devon	
34	Brecon	Powys	1835
35	Bridgewater	Somerset	1835
36	Bridgnorth	Shropshire	1835
37	Bridport	Dorset	1835
38	Bristol	City of Bristol	1835
39	Buckingham	Buckinghamshire	1835
40	Burton upon Trent	Staffordshire	
41	Bury St Edmunds	Suffolk	1835
42	Caergwrle	Flintshire	
43	Caernarvon	Gwynedd	1835
44	Caerwys	Flintshire	
45	Calne	Wiltshire	1835
46	Cambridge	Cambridgeshire	1835
47	Camelford *	Cornwall	
48	Canterbury	Kent	1835
49	Cardiff	Cardiff	1835
50	Cardigan	Ceredigion	1835

The impact of the 1883 Municipal Corporations Act

No.	Town	County/Admin area	Incorporated
51	Carlisle	Cumbria	1835
52	Carmarthen	Carmarthenshire	1835
53	Castle Rising	Norfolk	
54	Chard	Somerset	1835
55	Chester	Cheshire	1835
56	Chesterfield	Derbyshire	1835
57	Chichester	West Sussex	1835
58	Chippenham	Wiltshire	1835
59	Chipping Norton	Oxfordshire	1835
60	Chipping Sodbury *	South Gloucester	
61	Christchurch	Dorset	
62	Clitheroe	Lancashire	1835
63	Clun *	Shropshire	
64	Colchester	Essex	1835
65	Congleton	Cheshire	1835
66	Conwy	Conwy	
67	Corfe Castle *	Dorset	
68	Coventry	Coventry	1835
69	Cowbridge	Vale of Glamorgan	
70	Criccieth	Gwynedd	
71	Crickhowell	Powys	
72	Dartmouth	Devon	1835
73	Daventry	Northamptonshire	1835
74	Deal	Kent	1835
75	Denbigh	Denbighshire	1835
76	Derby	Derbyshire	1835
77	Devizes	Wiltshire	1835
78	Dinas Mawddwy	Gwynedd	
79	Doncaster	Doncaster	1835
80	Dorchester	Dorset	1835
81	Dover	Kent	1835
82	Droitwich	Worcestershire	1835
83	Dunwich *	Suffolk	
84	Durham	Durham	1835
85	Dursley *	Gloucestershire	
86	East Looe *	Cornwall	
87	East Retford	Nottinghamshire	1835
88	Evesham	Worcestershire	1835
89	Exeter	Devon	1835
90	Eye	Suffolk	1835
91	Falmouth	Cornwall	1835
92	Farnham	Surrey	
93	Faversham	Kent	1835
94	Fishguard	Pembrokeshire	
95	Flint	Flintshire	1835
96	Folkeston	Kent	1835
97	Fordwich *	Kent	
98	Fowey	Cornwall	
99	Garstang *	Lancashire	
100	Gateshead	Gateshead	1835
101	Glastonbury	Somerset	1835
102	Gloucester	Gloucestershire	1835
103	Godalming	Surrey	1835
104	Godmanchester	Cambridgeshire	1835

The impact of the 1883 Municipal Corporations Act

No.	Town	County/Admin area	Incorporated
105	Grampound	Cornwall	
106	Grantham	Lincolnshire	1835
107	Gravesend	Kent	1835
108	Great Dunmow	Essex	
109	Great Torrington	Devon	1835
110	Great Yarmouth	Norfolk	1835
111	Grimsby	N.E. Lincolnshire	1835
112	Guildford	Surrey	1835
113	Harlech	Gwynedd	
114	Hartlepool	Hartlepool	
115	Harwich	Essex	1835
116	Hastings	East Sussex	1835
117	Haverfordwest	Gwynedd	1835
118	Hay	Powys	
119	Hedon	E.R. Yorkshire	
120	Helston	Cornwall	1835
121	Henley-upon-Thames	Oxfordshire	
122	Hereford	Herefordshire	1835
123	Hertford	Hertfordshire	1835
124	High Wycombe	Buckinghamshire	1835
125	Higham Ferris	Northamptonshire	
126	Holt *	Wrexham	
127	Huntingdon	Cambridgeshire	1835
128	Hythe	Kent	1835
129	Ilchester *	Somerset	
130	Ipswich	Suffolk	1835
131	Kendal	Cumbria	1835
132	Kenfig *	Bridgend	
133	Kidderminster	Worcestershire	1835
134	Kidwelly	Carmarthenshire	
135	Cilgerran *	Pembrokeshire	
136	Kings Lynn	Norfolk	1835
137	Kingston-upon-Hull	Kingston-upon-Hull	1835
138	Kingston-upon-Thames	Greater London	1835
139	Lampeter	Ceredigion	
140	Lancaster	Lancashire	1835
141	Langport *	Somerset	
142	Launceston	Cornwall	1835
143	Laugharne	Carmarthenshire	
144	Leeds	Leeds	1835
145	Leicester	City of Leicester	1835
146	Leominster	Herefordshire	1835
147	Lichfield	Staffordshire	1835
148	Lincoln	Lincolnshire	1835
149	Liskeard	Cornwall	1835
150	Liverpool	Liverpool	1835
151	Llandovery	Carmarthenshire	1835
152	Llanelli	Carmarthenshire	
153	Llanfyllin	Powys	
154	Llanidocs	Powys	1835
155	Llantrissant *	Rhondda Cynon Taff	
156	Lostwithiel	Cornwall	
157	Loughor *	Swansea	
158	Louth	Lincolnshire	1835

The impact of the 1883 Municipal Corporations Act

No.	Town	County/Admin area	Incorporated
159	Ludlow	Shropshire	1835
160	Lydd	Kent	
161	Lyme Regis	Dorset	1835
162	Lymington	Hampshire	1835
163	Macclesfield	Cheshire	1835
164	Machynlleth	Powys	
165	Maidenhead	Berkshire	1835
166	Maidstone	Kent	1835
167	Maldon	Essex	1835
168	Malmesbury	Wiltshire	
169	Marazion *	Cornwall	
170	Marlborough	Wiltshire	1835
171	Monmouth	Monmouthshire	1835
172	Montgomery	Powys	
173	Morpeth	Northumberland	1835
174	Neath	Neath	1835
175	Nefyn *	Gwynedd	
176	New Radnor *	Powys	
177	New Romney	Kent	
178	Newark	Nottinghamshire	1835
179	Newborough	Isle of Anglesey	
180	Newbury	Berkshire	1835
181	Newcastle-under-Lyme	Staffordshire	1835
182	Newcastle upon Tyne	Newcastle upon Tyne	1835
183	Newport	Newport	1835
184	Newport	Isle of Wight	
185	Newport	Monmouthshire	1835
186	Newport	Shropshire	
187	Newton	Lancashire	
188	Newtown	Isle of Wight	
189	Northampton	Northamptonshire	1835
190	Norwich	Norfolk	1835
191	Nottingham	City of Nottingham	1835
192	Oakingham	Berkshire	
193	Okehampton	Devon	
194	Orford *	Suffolk	
195	Oswestry	Shropshire	1835
196	Over	Cheshire	
197	Overton	Wrexham	
198	Oxford	Oxfordshire	1835
199	Pembroke	Pembrokeshire	1835
200	Penryn	Cornwall	1835
201	Penzance	Cornwall	1835
202	Petersfield	Hampshire	
203	Pevensey *	East Sussex	
204	Plymouth	City of Plymouth	1835
205	Plymton Earle	Devon	
206	Pontefract	Wakefield	1835
207	Poole	Poole	1835
208	Portsmouth	City of Portsmouth	1835
209	Presteigne	Powys	
210	Preston	Lancashire	1835
211	Pwllheli	Gwynedd	1835
212	Queenborough	Kent	

The impact of the 1883 Municipal Corporations Act

No.	Town	County/Admin area	Incorporated
213	Reading	Reading	1835
214	Rhuddlan	Denbighshire	
215	Richmond	North Yorkshire	1835
216	Ripon	North Yorkshire	1835
217	Rochester	Kent	1835
218	Romford	Essex	
219	Romney Marsh	Kent	
220	Romsey	Hampshire	1835
221	Ruthin	Denbighshire	1835
222	Ruyton	Shropshire	
223	Rye	East Sussex	1835
224	Saffron Walden	Essex	1835
225	Salisbury	Wiltshire	1835
226	Saltash	Cornwall	
227	Sandwich	Kent	1835
228	Scarborough	North Yorkshire	1835
229	Seaford	East Sussex	
230	Shaftsbury	Dorset	1835
231	Shrewsbury	Shropshire	1835
232	South Moulton	Devon	1835
233	Southampton	City of Southampton	1835
234	Southwold	Suffolk	1835
235	St Albans	Hertfordshire	1835
236	St Clears *	Carmarthenshire	
237	St Davids	Pembrokeshire	
238	St Ives	Cambridgeshire	1835
239	Stafford	Staffordshire	1835
240	Stamford	Lincolnshire	1835
241	Stockport	Stockport	1835
242	Stockton-on-Tees	Stockton-on-Tees	1835
243	Stratford upon Avon *	Warwickshire	1835
244	Sudbury	Suffolk	1835
245	Sunderland	Sunderland	1835
246	Sutton Coldfield	Birmingham	
247	Swansea	Swansea	1835
248	Tamworth	Staffordshire	1835
249	Tenby	Pembrokeshire	1835
250	Tenterden	Kent	1835
251	Tewksbury	Gloucestershire	1835
252	Thetford	Norfolk	1835
253	Thornbury *	South Gloucester	
254	Tiverton	Devon	1835
255	Totnes	Devon	1835
256	Tregony	Cornwall	
257	Truro	Cornwall	1835
258	Usk	Gwent	
259	Wallingford	Oxfordshire	1835
260	Walsall	Walsall	1835
261	Wareham	Dorset	
262	Warwick	Warwickshire	1835
263	Wells	Somerset	1835
264	Welshpool	Powys	1835
265	Wenlock	Shropshire	1835
266	Weobley	Herefordshire	

The impact of the 1883 Municipal Corporations Act

No.	Town	County/Admin area	Incorporated
267	West Looe	Cornwall	
268	Westbury *	Wiltshire	
269	Weymouth & Melcombe Regis	Dorset	1835
270	Wickwar	South Gloucester	
271	Wigan	Wigan	1835
272	Wilton	Wiltshire	
273	Winchelsea	East Sussex	
274	Winchester	Hampshire	1835
275	Windsor	Windsor & M'head	1835
276	Wisbech	Cambridgeshire	1835
277	Wiston	Pembrokeshire	
278	Woodstock	Oxfordshire	
279	Wootton Bassett *	Wiltshire	
280	Worcester	Worcestershire	1835
281	Wotton-under-Edge *	Gloucestershire	
282	Yarmouth *	Isle of Wight	
283	Yeovil	Somerset	
284	York	York	1835

Asterisks (*) show the thirty-one borough corporations that later formed town trusts in the wake of the 1883 Municipal Corporations Act. Six other towns also formed trusts but they escaped the attention of this set of Royal Commissioners; New Alresford (Hampshire), Bovey Tracey (Devon), Chipping Camden (Gloucestershire), Harton (Devon), Midhurst (West Sussex) and Winchcombe (Gloucestershire).

Sources for this table:

House of Commons, Parliamentary Papers, Reports of Commissioners, 1835 [116], Royal Commission, 1833-1835. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 11 October 2011, www.parlipapers.chadwyck.co.uk

Municipal Corporations Act, 1835 [5 & 6, Wm IV, c. 76].

The current county or administrative areas were taken from The Automobile Association, *Driver's Atlas of Britain*, 2012 (Basingstoke, 2011).

APPENDIX 2

The 1832 Reform Act

Boroughs disenfranchised

No.	Borough	County/Admin	No.	Borough	County/Admin
1	Aldbrough	North Yorkshire	29	Lostwithiel	Cornwall
2	Aldeburgh	Suffolk	30	Ludgershall	Wiltshire
3	Amersham	Buckinghamshire	31	Milborne Port	Somerset
4	Appleby	Cumbria	32	Minehead	Somerset
5	Beeralston	Devon	33	St Michaels	Cornwall
6	Bishops Castle	Shropshire	34	New Romney	Kent
7	Bletchingley	Surrey	35	Newport	Cornwall
8	Boroughbridge	North Yorkshire	36	Newton	Lancashire
9	Bossiney	Cornwall	37	Newtown	Isle of Wight
10	Brackley	Northamptonshire	38	Okehampton	Devon
11	Bramber	West Sussex	39	Old Sarum	Wiltshire
12	Callington	Cornwall	40	Orford *	Suffolk
13	Camelford *	Cornwall	41	Plympton Earle	Devon
14	Castle Rising	Norfolk	42	Queenborough	Kent
15	Corfe Castle *	Dorset	43	Saltash	Cornwall
16	Downton	Wiltshire	44	Seaford	East Sussex
17	Dunwich *	Suffolk	45	St Germans	Cornwall
18	East Grinstead	West Sussex	46	St Mawes	Cornwall
19	East Looe *	Cornwall	47	Steyning	West Sussex
20	Fowey	Cornwall	48	Stockbridge	Hampshire
21	Gatton	Surrey	49	Tregony	Cornwall
22	Great Bedwyn	Wiltshire	50	West Looe	Cornwall
23	Haselmere	Surrey	51	Wendover	Buckinghamshire
24	Hedon	E.R. Yorkshire	52	Weobley	Herefordshire
25	Heytesbury	Wiltshire	53	Whitchurch	Hampshire
26	Higham Ferres	Northamptonshire	54	Winchelsea	East Sussex
27	Hindon	Wiltshire	55	Wootton Bassett *	Wiltshire
28	Ilchester *	Somerset	56	Yarmouth *	Isle of Wight

Asterisks (*) show the eight disenfranchised boroughs that formed trusts as a result of the 1883 statute.

Boroughs reduced from two MPs to one

No.	Borough	Current County	No.	Borough	Current County
1	Arundel	West Sussex	16	Malmesbury	Wiltshire
2	Ashburton	Devon	17	Midhurst *	West Sussex
3	Calne	Wiltshire	18	Morpeth	Northumberland
4	Christchurch	Dorset	19	Northallerton	North Yorkshire
5	Clitheroe	Lancashire	20	Petersfield	Hampshire
6	Dartmouth	Devon	21	Reigate	Surrey
7	Droitwich	Worcestershire	22	Rye	East Sussex
8	Eye	Suffolk	23	Shaftsbury	Dorset
9	Grimsby	N.E. Lincolnshire	24	St Ives	Cornwall
10	Helston	Cornwall	25	Thirsk	North Yorkshire
11	Horsham	West Sussex	26	Wallingford	Berkshire
12	Hythe	Kent	27	Wareham	Dorset
13	Launceston	Cornwall	28	Westbury *	Wiltshire
14	Liskeard	Cornwall	29	Wilton	Wiltshire
15	Lyme Regis	Dorset	30	Woodstock	Oxfordshire

Asterisks (*) show the two boroughs that formed town trusts.

Boroughs enfranchised

No.	Borough	County/Admin	No.	Borough	County/Admin
1	Ashton-u-Lyne (1)	Tameside	22	Macclesfield (2)	Cheshire
2	Birmingham (2)	Birmingham	23	Manchester (2)	Manchester
3	Blackburn (2)	B'burn w. D'n	24	Marylebone (2)	Greater L'don
4	Bolton (2)	Bolton	25	Oldham (2)	Oldham
5	Bradford (2)	Bradford	26	Rochdale (1)	Rochdale
6	Brighton (2)	Brighton & H.	27	Salford (1)	Salford
7	Bury (1)	Bury	28	Sheffield (2)	Sheffield
8	Chatham (1)	Medway	29	South Shields (1)	South Tyneside
9	Cheltenham (1)	Gloucestershire	30	Stockport (2)	Stockport
10	Devonport (2)	C. of Plymouth	31	Stoke-upon-Trent (2)	C. of Stoke
11	Dudley (1)	Dudley	32	Stroud (2)	Gloucestershire
12	Finsbury (2)	Greater L'don	33	Sunderland (2)	Sunderland
13	Frome (1)	Somerset	34	Tower Hamlets (2)	Greater L'don
14	Gateshead (1)	Gateshead	35	Tynemouth (1)	North Tyneside
15	Greenwich (2)	Greater L'don	36	Wakefield (1)	Wakefield
16	Halifax (2)	Calderdale	37	Walsall (1)	Walsall
17	Huddersfield (1)	Kirklees	38	Warrington (1)	Warrington
18	Kendal (1)	Cumbria	39	Whitby (1)	North Yorkshire
19	Kidderminster (1)	Worcestershire	40	Whitehaven (1)	Cumbria
20	Lambeth (2)	Greater L'don	41	Wolverhampton (2)	Wolverhampton
21	Leeds (2)	Leeds			

Note:

- (1) Signifies that the borough was given one MP (19).
- (2) Signifies that the borough was given two MPs (22).

Sources for the tables in Appendix 2:

Representation of the People Act, 1832 [2, Wm IV, c. 45].

The current county or administrative areas were taken from The Automobile Association, *Driver's Atlas of Britain*, 2012 (Basingstoke, 2011).

APPENDIX 3

Boroughs incorporated in England and Wales, 1837-82.

- Tranche 1 of borough incorporation consists of the 178 towns reformed by the 1835 Municipal Corporations Act (see Appendix 1).
- This statute also permitted other towns to petition the government for a charter of incorporation. The majority of the early successful petitions came from a group of towns that had never been incorporated before and had, therefore, escaped the attention of the Royal Commissioners of 1833-35. They were motivated to form a municipal corporation by the fact that they had gained parliamentary borough status for the first time under the Reform Act of 1832. The **twenty-three towns in this group** are shown **in pink as tranche 2**.
- These towns were followed by others that had also never been incorporated before and, similarly had also not been investigated by the 1833-35 Royal Commissioners. This group, though, had *not* become parliamentary boroughs in 1832. Inspired by the success of the pioneers in tranche 2, they followed suit. The **thirty-four towns in this group** which successfully petitioned the government before the 1882 Municipal Corporations Act are shown **in green as tranche 3**.
- The Royal Commissioners Report of 1835 investigated 284 towns and forced the reform of 178 of them. Of the remaining 106, only five towns successfully applied for a municipal charter before under the 1835 Act before 1882. These are shown **in blue as tranche 4**. (Although there are only four towns shown in blue, this group includes Ashton-under-Lyne which also features in pink as part of tranche 2).
- The Royal Commissioners of 1833-35 failed to report on a minority of ancient boroughs that had been incorporated by royal charter. Three such towns successfully petitioned for a municipal charter under the 1835 Act before 1882. These are shown **in black as tranche 5**.
- A total of sixty-four towns received their reformed borough charters between 1837 and 1882. There were, therefore, 242 (178 plus sixty-four) incorporated towns at the time the 1882 Municipal Corporations Act reached the statute book.

No.	Borough	County/Admin	Year	Tranche
1.	Devonport	City of Plymouth	1837	2
2.	Bolton	Bolton	1838	2
3.	Birmingham	Birmingham	1838	2
4.	Manchester	Manchester	1838	2
5.	Sheffield	Sheffield	1843	2
6.	Salford	Salford	1844	2
7.	Honiton	Devon	1846	5
8.	Ashton-under-Lyne *	Tameside	1847	2 and 4
9.	Bradford	Bradford	1847	2
10.	Warrington	Warrington	1847	2
11.	Halifax	Calderdale	1848	2
12.	Wakefield	Wakefield	1848	2
13.	Wolverhampton	Wolverhampton	1848	2
14.	Oldham	Oldham	1849	2
15.	Tynemouth	North Tyneside	1849	2
16.	Hartlepool	Hartlepool	1850	4
17.	South Shields	South Tyneside	1850	2
18.	Blackburn	B'burn w. Darwen	1851	2
19.	Middlesbrough	Middlesbrough	1853	3
20.	Brighton	Brighton & Hove	1854	2
21.	Yeovil	Somerset	1854	4
22.	Rochdale	Rochdale	1856	2
23.	Hanley	City of Stoke	1857	3
24.	Margate	Kent	1857	3
25.	Stalybridge	Tameside	1857	3
26.	Wrexham	Wrexham	1857	3
27.	Aberavon	Neath	1861	4
28.	Burnley	Lancashire	1861	3
29.	Dewsbury	Kirklees	1862	3

The impact of the 1835 Municipal Corporations Act

No.	Borough	County/Admin	Year	Tranche
30.	Hedon	E.R. Yorkshire	1862	4
31.	Reigate	Surrey	1863	3
32.	Dunstable	Bedfordshire	1864	3
33.	Dudley	Dudley	1865	2
34.	Longton	City of Stoke	1865	3
35.	Glossop	Derbyshire	1866	3
36.	Southport	Sefton	1867	3
37.	Barrow-in-Furness	Cumbria	1867	3
38.	Darlington	Darlington	1867	3
39.	Batley	Kirklees	1868	3
40.	Bootle-cum-Linacre	Sefton	1868	3
41.	Huddersfield	Kirklees	1868	2
42.	Ryde	Isle of Wight	1868	3
43.	St Helens	St Helens	1868	3
44.	Barnsley	Barnsley	1869	3
45.	Rotherham	Rotherham	1871	3
46.	Peterborough	C. of Peterborough	1874	5
47.	St Ives	Cambridgeshire	1874	3
48.	Stoke-upon-Trent	City of Stoke	1874	2
49.	Jarrow	South Tyneside	1875	3
50.	Leamington Spa	Warwickshire	1875	3
51.	Blackpool	Blackpool	1876	3
52.	Bury	Bury	1876	2
53.	Cheltenham	Gloucestershire	1876	2
54.	Luton	Luton	1876	3
55.	Birkenhead	Wirral	1877	3
56.	Crewe	Cheshire	1877	3
57.	Accrington	Lancashire	1878	3
58.	Burslem	City of Stoke	1878	3
59.	Burton upon Trent	Staffordshire	1878	3
60.	Darwen	B'burn w. Darwen	1878	3
61.	Chorley	Lancashire	1881	3
62.	Heywood	Rochdale	1881	3
63.	Hyde	Tameside	1881	3
64.	Lewes	East Sussex	1881	5

Note:

As well as becoming a new parliamentary borough in 1847, Ashton-under-Lyne was also an ancient municipal borough that had been investigated by the Royal Commissioners of 1833-35. It is, therefore, included in tranche two (pink) and in tranche four (blue).

Sources for the table:

1. House of Commons, Parliamentary Papers, Reports of Commissioners, 1835 [116], Royal Commission, 1833-1835. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 28 October 2011, www.parlipapers.chadwyck.co.uk
2. Municipal Corporations Act, 1835 [5 & 6, Wm IV, c. 76].
3. *London Gazette*, Archive Central, Advanced Search, years 1837-82, 28 October 2011, www.london-gazette.co.uk.
4. The current county or administrative areas were taken from The Automobile Association, *Driver's Atlas of Britain*, 2012 (Basingstoke, 2011).

APPENDIX 4

The 1867 Reform Act

Boroughs disenfranchised

No.	Borough	County/Admin	No.	Borough	County/Admin
1	Arundel	West Sussex	7	Lancaster	Lancashire
2	Ashburton	Devon	8	Reigate	Surrey
3	Dartmouth	Devon	9	Thetford	Norfolk
4	Great Yarmouth	Norfolk	10	Totnes	Devon
5	Honiton	Devon	11	Wells	Somerset
6	Lyme Regis	Dorset			

Note:

Great Yarmouth, Lancaster, Reigate and Totnes were disenfranchised for corruption or other irregularities at the 1858 and/or the 1865 elections. These eleven boroughs provided seventeen seats for redistribution.

Boroughs reduced from two MPs to one

No.	Borough	County/Admin	No.	Borough	County/Admin
1	Andover	Hampshire	19	Lewes	East Sussex
2	Bodmin	Devon	20	Lichfield	Staffordshire
3	Bridgnorth	Shropshire	21	Ludlow	Shropshire
4	Bridport	Dorset	22	Lymington	Hampshire
5	Buckingham	Buckinghamshire	23	Maldon	Essex
6	Chichester	West Sussex	24	Marlborough	Wiltshire
7	Chippenham	Wiltshire	25	Marlow	Buckinghamshire
8	Cirencester	Gloucestershire	26	Maldon	Essex
9	Cockermouth	Cumbria	27	Newport	Isle of Wight
10	Devizes	Wiltshire	28	Poole	Dorset
11	Dorchester	Dorset	29	Richmond	North Yorkshire
12	Evesham	Worcestershire	30	Ripon	North Yorkshire
13	Guildford	Surrey	31	Stamford	Lincolnshire
14	Harwich	Essex	32	Tavistock	Devon
15	Hertford	Hertfordshire	33	Tewkesbury	Gloucestershire
16	Huntingdon	Cambridgeshire	34	Windsor	Windsor & Maidenhead
17	Knaresborough	North Yorkshire	35	Wycombe	Buckinghamshire
18	Leominster	Herefordshire			

Note:

These boroughs provided thirty-five seats for redistribution, making fifty-two in total.

Boroughs enfranchised

No.	Borough	County/Admin	No.	Borough	County/Admin
1	Burnley	Lancashire	7	Hartlepool	Hartlepool
2	Chelsea (2)	Greater London	8	Middlesborough	Middlesborough
3	Darlington	Darlington	9	Staleybridge	Tameside
4	Dewsbury	Kirklees	10	Stockton-on-Tees	Stockton-on-Tees
5	Gravesend	Kent	11	Wednesbury	Sandwell
6	Hackney (2)	Greater London			

Note:

Chelsea and Hackney received two MPs, the rest one, making a total of thirteen redistributed seats.

Boroughs receiving an extra MP					
No.	Borough	County/Admin	No.	Borough	County/Admin
1	Birmingham (3)	Birmingham	4	Manchester (3)	Manchester
2	Leeds (3)	Leeds	5	Merthyr Tydfil (2)	Merthyr Tydfil
3	Liverpool (3)	Liverpool	6	Salford (2)	Salford

Note:

Merthyr Tydfil and Salford returned two MPs, the others three. This accounts for six of the redistributed seats. Of the rest, London University received one, Scotland seven and twenty-five went to the English counties, making fifty-two in all.

Sources for the tables:

Representation of the People Act, 1867 [30 & 31, Vict., c. 102].

APPENDIX 5

The 1884 Reform Act and 1885 Redistribution of Seats Act

Boroughs disenfranchised					
No.	English Borough	County/Admin	No.	English Borough	County/Admin
1	Abingdon	Oxfordshire	39	Liskeard	Cornwall
2	Andover	Hampshire	40	Ludlow	Surrey
3	Aylesbury (2)	Buckinghamshire	41	Lymington	Hampshire
4	Banbury	Oxfordshire	42	Maldon	Essex
5	Barnstaple (2)	Devon	43	Macclesfield	Cheshire
6	Berwick-upon-Tweed (2)	Northumberland	44	Malmesbury	Wiltshire
7	Bewdley	Worcestershire	45	Malton	North Yorkshire
8	Bodmin	Cornwall	46	Marlborough	Wiltshire
9	Bridgnorth	Shropshire	47	Midhurst	West Sussex
10	Bridport	Dorset	48	Newark (2)	Nottinghamshire
11	Buckingham	Buckinghamshire	49	Newport	Isle of Wight
12	Calne	Wiltshire	50	New Shoreham (2)	Kent
13	Chichester	West Sussex	51	Northallerton	North Yorkshire
14	Chippenham	Wiltshire	52	Petersfield	Hampshire
15	Cirencester	Gloucestershire	53	Poole	Dorset
16	Clitheroe	Lancashire	54	Richmond	North Yorkshire
17	Cockermouth	Cumbria	55	Ripon	North Yorkshire
18	Cricklade (2)	Wiltshire	56	Rye	East Sussex
19	Devizes	Wiltshire	57	St Ives	Cornwall
20	Dorchester	Dorset	58	Sandwich (2)	Kent
21	Droitwich	Worcestershire	59	Shaftesbury	Dorset
22	East Retford (2)	Nottinghamshire	60	Stamford	Lincolnshire
23	Evesham	Worcestershire	61	Stroud (2)	Gloucestershire
24	Eye	Suffolk	62	Tamworth (2)	Staffordshire
25	Frome (2)	Somerset	63	Tavistock	Devon
26	Great Marlow	Buckinghamshire	64	Tewksbury	Gloucestershire
27	Guildford	Surrey	65	Thirsk	North Yorkshire
28	Harwich	Essex	66	Tiverton (2)	Devon
29	Helston	Cornwall	67	Truro (2)	Cornwall
30	Hertford	Hertfordshire	68	Wallingford	Oxfordshire
31	Horsham	East Sussex	69	Wareham	Dorset
32	Huntingdon	Huntingdonshire	70	Wenlock (2)	Shropshire
33	Kendal	Westmoreland	71	Westbury	Wiltshire
34	Knaresborough	North Yorkshire	72	Weymouth & MR (2)	Dorset
35	Launceston	Cornwall	73	Whitby	North Yorkshire
36	Leominster	Herefordshire	74	Wilton	Wiltshire
37	Lewes	East Sussex	75	Woodstock	Oxfordshire
38	Lichfield	Staffordshire	76	Wycombe	Buckinghamshire
No.	Welsh Borough	County/Admin	No.	Welsh Borough	County/Admin
1	Beaumaris	Anglesey	4	Haverfordwest	Pembrokeshire
2	Brecon	Powys	5	New Radnor	Powys
3	Cardigan	Ceredigion			
No.	Scottish Burgh	County/Admin	No.	Scottish Burgh	County/Admin
1	Haddington	East Lothian	2	Wigtown	Dumfries & Galloway

The impact of the 1883 Municipal Corporations Act

No.	Irish Borough	County/Admin	No.	Irish Borough	County/Admin
1	Armagh	Armagh	12	Dungarvan	Waterford
2	Athlone	Westmeath	13	Ennis	Clare
3	Bandon	Cork	14	Enniskillen	Fermanagh
4	Carlow	Carlow	15	Kinsale	Cork
5	Carrickfergus	Antrim	16	Lisburn	Belfast
6	Clonmel	Tipperary	17	Mallow	Cork
7	Coleraine	Londonderry	18	New Ross	Wexford
8	Downpatrick	Down	19	Portarlington	Laois
9	Drogheda	Louth	20	Tralee	Kerry
10	Dundalk	Louth	21	Wexford	Wexford
11	Dungannon	Tyrone	22	Youghal	Cork

Notes:

1. All of these boroughs had populations of fewer than 15,000.
2. The annotation (2) indicates that the borough returned two MPs prior to 1885.
3. Macclesfield (Cheshire) and Sandwich (Kent) had been disenfranchised for corruption at the 1880 election.
4. These 105 boroughs, which were all merged into their respective counties, provided 122 seats for redistribution.
5. The 1885 Redistribution of Seats Act meant the death of the small parliamentary borough, certainly in England, Scotland and Ireland. A few remained in Wales as part of the out-borough system.

Boroughs reduced from two seats to one

No.	English Borough	County/Admin	No.	English Borough	County/Admin
1	Bedford	Bedfordshire	19	Maidstone	Kent
2	Boston	Lincolnshire	20	Newcastle-under-Lyme	Staffordshire
3	Bury St Edmunds	Suffolk	21	Oxford	Oxfordshire
4	Cambridge	Cambridgeshire	22	Penryn & Falmouth	Cornwall
5	Canterbury	Kent	23	Peterborough	City of Peterbro'
6	Carlisle	Cumberland	24	Pontefract	North Yorkshire
7	Chester	Cheshire	25	Reading	Berkshire
8	Colchester	Essex	26	Rochester	Kent
9	Coventry	Coventry	27	Salisbury	Wiltshire
10	Dover	Kent	28	Scarborough	North Yorkshire
11	Durham	Durham	29	Shrewsbury	Shropshire
12	Exeter	Devon	30	Stafford	Staffordshire
13	Gloucester	Gloucestershire	31	Stoke-upon-Trent	Staffordshire
14	Grantham	Lincolnshire	32	Taunton	Somerset
15	Hastings	East Sussex	33	Warwick	Warwickshire
16	Hereford	Herefordshire	34	Wigan	Wigan
17	King's Lynn	Norfolk	35	Winchester	Hampshire
18	Lincoln	Lincolnshire	36	Worcester	Worcestershire
No.	Irish Borough	County/Admin	No.	Irish Borough	County/Admin
1	Galway	Galway	3	Waterford	Waterford
2	Limerick	Limerick			

Notes:

1. All of these boroughs had populations of fewer than 50,000.
2. They provided another thirty-nine seats for redistribution, making a total of 161.

Boroughs receiving additional MPs

No.	English Borough	Total of MPs	No.	English Borough	Total of MPs
1	Birmingham	Seven	8	Nottingham	Three
2	Bradford	Three	9	Salford	Three
3	Bristol	Four	10	Sheffield	Five
4	Kingston-upon-Hull	Three	11	Southwark	Three
5	Leeds	Five	12	Tower Hamlets	Seven
6	Liverpool	Nine	13	Wolverhampton	Three
7	Manchester	Six			
No.	Welsh Borough	Total of MPs			
1	Swansea	Two			
No.	Scottish Burgh	Total of MPs	No.	Scottish Burgh	Total of MPs
1	Aberdeen	Two	3	Glasgow	Seven
2	Edinburgh	Four			
No.	Irish Borough	Total of MPs	No.	Irish Borough	Total of MPs
1	Belfast	Four	2	Dublin	Four

Note:

The total of extra seats given to the large towns was thirty-seven; twenty-six in England, one in Wales, eight in Scotland and four in Ireland.

New parliamentary boroughs

No.	English Borough	County/Admin	No.	English Borough	County/Admin
1	Aston Manor (1)	Warwickshire	18	Kensington (2)	
2	Barrow-in-Furness (1)	Cumbria	19	Lambeth (4)	
3	Battersea & Clapham (2)		20	Lewisham (1)	
4	Bethnal Green (2)		21	Marylebone (2)	
5	Camberwell (3)		22	Newington (2)	
6	Chelsea (1)		23	Paddington (2)	
7	Croyden (1)		24	St George H Square (1)	
8	Deptford (1)		25	St Helens (1)	Lancashire
9	Finsbury (3)		26	St Pancras (4)	
10	Fulham (1)		27	Shoreditch (2)	
11	Great Yarmouth (1)	Norfolk	28	Strand (1)	
12	Greenwich (1)		29	Wandsworth (1)	
13	Hackney (3)		30	West Bromwich (1)	Staffordshire
14	Hammersmith (1)		31	West Ham (2)	
15	Hampstead (1)		32	Westminster (1)	
16	Hanley (1)	Staffordshire	33	Woolwich (1)	
17	Islington (4)				

Notes:

1. Of these fifty-six newly created borough seats, no less than fifty were in what we now call Greater London.
2. The remainder of the redistributed seats, sixty-eight, were given to the counties that had absorbed the populations from the disenfranchised boroughs, forty-four in England, four in Wales, two in Scotland and eighteen in Ireland.
3. The majority became single-member constituencies. Only twenty-four double-member constituencies survived, twenty-one in England, and one each in Wales, Scotland and Ireland.

The changed composition of the House of Commons, 1885

England-parliamentary seats	Pre-1885	Post-1885	Change
Counties	169	207	+38
Boroughs	289	242	-47
University	5	5	-
Total	463	454	-9
Wales-parliamentary seats			
Counties	15	25	+10
Boroughs	15	11	-4
University	-	-	-
Total	30	36	+6
Scotland-parliamentary seats			
Counties	32	39	+7
Burghs	26	32	+6
University	2	2	-
Total	60	73	+13
Ireland-parliamentary seats			
Counties	64	84	+20
Boroughs	39	21	-18
University	2	2	-
Total	105	107	+2
Grand Total	658	670	+12

Note:

The number of parliamentary seats was increased to 670 in 1885. Therefore, the total of redistributed seats was 161 plus twelve, equalling 173.

Sources for all of the tables in this appendix:

Redistribution of Seats Act, 1885 [48 & 49, Vict., c. 23].

APPENDIX 6

Towns that formed trusts – populations and revenues from the Royal Commissioners' reports of 1835 and 1880.

No.	Town	Population 1835	Population 1880	Revenue 1835 £	Revenue 1880 £
1	New Alresford	No report	1,623	No report	80
2	Axbridge	998	900	100	122
3	Berkeley	990	1,011	28	1-10s-0d
4	Bovey Tracey	No report	200*	No report	20
5	Brading	2,000	785	6	70
6	Bradnoch	1,524	2,000*	64	60
7	Camelford	597	1,000	55	50
8	Chipping Campden	No report	2,012	No report	8
9	Chipping Sodbury	1,306	No report	-	No report
10	Clun	930	1,000*	-	-
11	Corfe Castle	960	1,000*	-	-
12	Dunwich	232	230	150	159
13	Dursley	3,266	2,500	-	-
14	East Looe	865	1,000*	100	166
15	Fordwich	487	220*	59	14
16	Garstang	929	936	35	40
17	Harton	No report	600	No report	26
18	Holt	1,015	1,050*	-	-
19	Ilchester	965	1,000*	17	25
20	Kenfig	486	550	25	135
21	Cilgerran	879	1,500	-	9
22	Langport	1,245	1,000	169	170
23	Llantrisant	956	2,000	-	25
24	Loughor	665	870	-	90
25	Marazion	1,393	1,250	38	32
26	Midhurst	No report	-	No report	-
27	Nefyn	750	2,000	-	80
28	Orford	1,302	1,600	100	200
29	Pevensy	1,200	1,188	85	113
30	New Radnor	2,501	2,150	-	Rate only
31	St Clears	1,083	1,043	45	61
32	Thornbury	1,500	1,630	-	-
33	Westbury	800	700*	45	10
34	Winchcombe	No report	2,000	No report	22
35	Wootton Bassett	1,520	2,200	-	4
36	Wotton-under-Edge	804	-	-	-
37	Yarmouth	586	806	30	200 ¹

Notes:

1. Six of the thirty-seven towns New Alresford, Bovey Tracey, Chipping Campden, Harton, Midhurst and Winchcombe were not investigated by the 1833-35 Commissioners.
2. An asterisk (*) indicates an estimate made by the Royal Commissioners. A dash (-) indicates that no figure appeared in the Royal Commissioners' report.

Sources for the table:

1. Joseph Fletcher, 'Statistics of the Municipal Institutions of English Towns', *Journal of the Statistical Society of London*, Vol. 5, No. 2 (July, 1842), 97-168.
2. House of Commons, Parliamentary Papers, Reports of Commissioners, 1835 [116], Royal Commission, 1833-1835. First report of the commissioners appointed to inquire into municipal corporations of England and Wales, 11 October 2011, www.parlipapers.chadwyck.co.uk
3. House of Commons, Parliamentary Papers, Reports of Commissioners, 1880 [c.2490-1], Royal Commission, 1876-1880.

¹ £187 represented harbour dues and there was another £13 in the borough account.

APPENDIX 7

QUESTIONNAIRE FOR INTERVIEWING REPRESENTATIVES OF TOWN TRUSTS

Constitution or scheme of arrangement

1. When was the town trust founded?
2. How many schemes of arrangement have been issued by the Charity Commission since foundation?
3. When were the new schemes enacted?
4. Why were the changes made at the time(s) that they were?
5. Is the current scheme of arrangement available for examination? If so, from where can it be obtained?
6. How many co-opted (co-optative) trustees should there be under the current constitution?
7. How many trustees should be nominated by the parish/town council?
8. How many trustees are nominated or appointed by bodies other than the council?
9. How many of each type of trustee are currently serving?
10. How many currently serving nominated trustees are also currently serving councillors?

Finance

1. What is the current annual turnover of the trust?
2. From what source(s) is this annual turnover derived?
3. Does trust income currently exceed expenditure?
4. What type of expenses does the trust incur?

Assets and rights

1. What land(s) does the trust own?
2. What building(s) does the trust own?
3. What is the current asset value of the trust?
4. What assets has the trust disposed of since its foundation?
5. To whom did the responsibility for these assets pass?
6. What assets has the trust acquired since foundation?
7. What trading rights (for example, a right to charge tolls at markets or fairs) are currently practised by the trust?
8. What trading rights have ceased to exist since foundation?
9. What evidence exists to show that the trustees believe that the trust holds its assets and/or rights for and on behalf of the inhabitants of the community?

Services to the community

1. What services to the community does the trust currently supply?
2. How much is spent annually on these services?
3. When did this service start?

Employees

1. How many paid staff does the trust employ?
2. What are their job titles?
3. How many voluntary staff does the trust employ?

4. What are their job titles?

Meetings

1. How many trustee meetings are held each year?
2. Where are they held?
3. Are trustee meetings open to members of the public?
4. Are meeting agendas issued for public perusal before trust meetings take place?
5. Are minutes posted for public perusal after trust meetings have taken place?
6. Are decisions made by a majority vote of the trustees present?
7. What is the minimum decision-making quorum?
8. Does the chair of the trust hold a casting vote?

Grants

1. Does the trust receive a grant(s) from the council?
2. If so, what for and how much per annum?
3. Does the trust receive any other grants?
4. If so, from whom and for how much?

Relationship with Parish/Town Council

1. Do joint meetings of the trust and the council ever occur? If so, with what purpose?
2. What evidence exists to show if a council nominated trustee has ever had to declare a personal and prejudicial interest in the trust at a council meeting?
3. What evidence exists to show if a council nominated trustee has ever had to declare a personal interest in the trust at a council meeting?
4. What evidence exists to show if town trustees have ever made formal complaints about the conduct of councillors?
5. What evidence exists to show that such complaints been formally investigated by a local authority?
6. What evidence exists to show if councillors have ever made formal complaints about the conduct of town trustees?
7. What evidence exists to show if co-opted (co-optative) trustees have ever complained about the lack of effort and commitment shown by council nominated trustees towards their trust duties?
8. What evidence exists to show if councillor trustees have ever complained about the fact that they have an extra set of meetings to attend and an extra set of duties to perform?
9. What evidence exists to show if council nominated trustees have ever complained that they have been put into situations by the trust whereby they have had conflicts of interests?
10. What evidence exists to show if the trust has ever had to take legal advice regarding its relationship with the council?

Democracy

1. The trust charges unelected co-opted or co-optative trustees with a responsibility for assets and/or rights that are held for and on behalf on the inhabitants of the community. What evidence exists to show if this undemocratic aspect of the structure of the trust has ever been challenged?
2. If such evidence does exist, what were the results of such a challenge(s)?

Codes of practice

1. What evidence exists to show that trustees are aware of the code of practice that governs the behaviour of trustees of charities?
2. What evidence exists to show that trustees are aware of the code of practice that governs the behaviour of elected councillors?
3. What evidence exists to illustrate situations where these two codes of practice have clashed or caused tensions between the different groups of trustees?

Press

1. Have the activities of the trust ever featured in the press. If they have, when did they happen and where can the press records be found?

Public opinion

1. Does evidence exist to show that public opinion is either 'for' or 'against' the existence (or the activities) of the trust. If such evidence does exist, where can it be found?

History

1. What are the significant dates in the history of the trust?
2. Have the trustees ever discussed closing down the trust? If so, when, why and with what result?
3. What was the constituted split between co-opted (co-opative) and representative trustees at the time of the trust's foundation?
4. How many former corporation burgesses occupied the available co-opted or co-optative trustee positions at the foundation of the trust?
5. Who were elected as the first representative trustees at the vestry election following foundation?
6. How many, and who amongst the, town trustees put themselves up for election for the first parish council in December 1894?
7. How many, and who amongst the, town trustees were elected to serve on the first parish council which took office on 1 April 1895?
8. When and who were the first individuals to be nominated to serve on the trust by the parish council?
9. How many and who amongst these individuals were serving parish councillors?
10. Where are the historic records of the trust held?
11. How can a member of the public gain access to view these records?

Artefacts

1. What artefacts of historic interest does the trust own?
2. Where are they held?
3. How can a member of the public gain access to view these artefacts?

General

1. What were the reasons why the trust was originally founded?
2. What are the reasons why the trust has survived for so long?
3. What are the reasons why the trust continues to undertake civic duties for and on behalf of the people of the community?

APPENDIX 8



PROJECT INFORMATION SHEET

THE IMPACT OF THE 1883 MUNICIPAL CORPORATIONS ACT

I am a student at the University of Winchester studying for a PhD in modern history as a member of the Faculty of Humanities and Social Sciences.

The title of my research project is shown at the head of this page and is described below. The 1883 Municipal Corporations Act abolished seventy-six ancient corporations. The wording of this statute permitted the assets and rights of these bodies to be transferred to charitable town trusts. Thirty-eight towns took advantage of the Act. The survival rate of these charities has been high; three have been closed and five have subsumed by their local parish or town councils but thirty remain in existence, over 130 years later.

As someone who is involved with one of these town trusts, I am inviting you to take part in my research project. Before you decide to participate, it is important that you understand what the project involves and what you will be asked to do. So, please take the time to read what follows and ask if anything is unclear.

During an interview, I will be asking you about the constitution, the workings and the history of your town trust. I will be seeking your permission to gain access to the historical records of your organisation. If you are not the gatekeeper of these records, the manager of the setting in which they are kept, or the owner of the premises involved, will be shown this information sheet. Your opinions about the impact of the trust on local governance will also be sought. Notes will be taken during the interview. These will then be typed and stored on a secure computer. They will be destroyed on completion of my PhD, which is scheduled to be in 2015.

It is anticipated that there will be no risk to you, or your reputation, involved in taking part in this project. It is emphasised, however, that your involvement is entirely voluntary and you are free to withdraw at any time and without penalty. The results of the study will be confidential and you will not be identified by name should the work be published. Arrangements will be made for you to see, and to comment on, what has been written about your town trust.

This project has been approved by the University Research & Knowledge Exchange Ethics Committee. If you have any questions about this study at any time, or if you believe that there is something wrong about it, please contact my project study supervisor, Dr Mark Allen by email, mark.allen@winchester.ac.uk or, if you wish, please write to the Chair of the University of Winchester RKE Ethics Committee.

Brian Rothwell, brian.rothwell@winchester.ac.uk
December 2011.

APPENDIX 9



THE IMPACT OF THE 1883 MUNICIPAL CORPORATIONS ACT

CONSENT FORM

I have read and understood the information sheet about this project. I understand that my participation is completely voluntary and that I may withdraw at any time during the project, without penalty.

I also understand that arrangements have been made to ensure my anonymity and privacy. I am aware that I have the right to see, and to comment on, what has been written as a result of my participation. The researcher has made it clear to me that he does not anticipate there being any risks to me, or to my reputation, in being involved with this project. The arrangements for the secure storage of data, and for its eventual disposal, have been explained to me.

On this basis, I consent to take part in this research project.

Signed.....Date.....

APPENDIX 10

DETAILS OF TOWN TRUSTS THAT ARE PERCEIVED AS CAUSING NO LOCAL GOVERNANCE PROBLEMS AND OF BEING A BENEFIT TO THEIR COMMUNITIES

1. Ilchester Town Trust

Ilchester Town Trust (Somerset) owns the Town Hall, the next door Town Museum, the village green and the Roman Cemetery at Northover. It is also responsible for the town's recreation ground. Like the trust at Corfe Castle, this trust is an integral part of the fabric of the town. Indeed it was the trustees, rather than the council, who provided the village with its first recreation ground in 1994.

That year, using part of the endowment fund that had been acquired by the sale of The Mead properties ten years earlier,¹ the trustees secured the title to a suitable piece of land and the permission to proceed from the Charity Commission. They had to borrow from the trust's permanently endowed fund to make the purchase against a promise to replace it within five years. These borrowings were paid back ahead of target and a successful fund raising committee raised enough money to install all of the equipment and subsequently to maintain the sports field as a self-supporting arm of the trust. Therefore, as in Chipping Sodbury, most of the public assets in Ilchester (the Town Hall, the Museum and the recreation ground) are managed and maintained by the trust at no cost to the rate payers.²

2. Llantrisant Town Trust

Llantrisant Town Trust is viewed favourably by its community because it is a link with an important part of the town's history. Llantrisant's ancient tradition of the 'freemen' has survived for more than 650 years since the first were enrolled. The tradition remains as significant in the twenty-first century as it did in medieval times. Today, there are more than 2,000 'freemen' and they are the guardians of 290 acres of common land in the town. A 'freeman' must be over twenty-one years of age and is only enrolled if he is the son or son-in-law of a current 'freeman'. It is the freemen who elect the governing body (twelve) of the charity.

The tradition dates back to 1346 when the Lord of Glamorgan, Hugh le Despenser, issued a charter allowing the 'freemen' to trade freely within the town's boundaries. This created a new borough and gave the 'freemen' a measure of self-government, their own courts and control of markets and fairs as well as grazing rights on the common land. The trust was founded in 1889 to manage the 'freemen's' lands when the fourteenth-century borough corporation was abolished.

Llantrisant Town Trust is also one of the few trusts formed under the 1883 Act to have significantly expanded its asset base. In the 1950s, the 'freemen' purchased the freehold of the common lands from the Marquis of Bute for £500. Later the trust bought the Taff Vale railway line from British Rail, then the Castle Green and then the Town Hall. This is a cash rich and vibrant charity that meets every month and holds an annual Court Leet ceremony to enrol the new 'freemen' followed by a dinner. There is also an annual 'beating of the bounds' when the 'freemen' walk the seven miles around the boundary of the ancient borough, inside which the 1346 charter permitted them to trade.³ According to its website, this is a large and popular organisation.

¹ See page 168.

² Gerry Masters, *Some Views on Ilchester's Past* (Ilchester, 2010), 30.

³ Llantrisant Town Trust, 10 January 2014, www.llantrisant.net/towntrust

3. Marazion Town Trust

The trust at Marazion (Cornwall) owns and houses one of the most complete sets of historical records of any ancient borough corporation in England and Wales; they run from 1595 to the present day (including the records of the town trust from the 1890s). The archiving of more than 2,000 borough and town trust records in the 1990s speaks volumes about the degree of co-operation that existed between Marazion Town Trust and Marazion Town Council.

The [Marazion] History Group, the Town Trust and the Town Council agreed the draft scheme and the archive project was born. For two years, from 1991 to 1993, the group [of volunteers] met regularly and, under the guidance of the [Cornwall] County Record Office staff, worked to a planned programme of checking, sorting, and listing which ensured that every document was numbered, described and classified, and placed into its appropriate group ... in view of the Town Trust's commitment to the project, the Pilgrim Trust gave a generous grant towards copying and conservation. Security copies of the documents are stored in the County Record Office strongrooms; arrangements have been made for making the catalogue and the 'using' set of copies available for research, by appointment, in the town's museum.

A further indication of the co-operation of the trust and council is that the town mayor is automatically the chair of the town trust, so that s/he may use the ancient borough maces and may carry the ceremonial stick that were inherited from the ancient corporation on civic occasions during his/her two years in office.⁴

4. Garstang Town Trust

An interview with the clerk to the town trustees, Kate Rowe, in Garstang (Lancashire), elicited the information that the existence of the town trust had been challenged by a town councillor in 1997-8. He had objected to the trust owning public assets and to their being unelected trustees involved in managing them. Nothing, however, had resulted from this challenge after the councillor involved received a letter from the Charity Commission.

Ms Rowe commented further:

Today, the trust has good relations with the council and in Garstang, which is a town with a good sense of community, the trustees all serve on different bodies as well as being town trustees. The trust has donated more than £50k to a number of local causes over the last ten years.⁵

These have included the Children's Festival, Garstang in Bloom, Scouts and Guides, Christmas Lights, Tennis Club, Sports and Social Club, Gym Club, Millennium Green, Cheshire Homes, Theatre Group, High School, Pre-School Club, the Alms Houses, Fairtrade Group, Hummingbirds and the Arts Festival.⁶

The council and the trust have also worked together on a number of projects – on lottery funding, the Garstang & District Partnership, a town centre plan and the Local Produce Market. The trust, which is financially sound, has just invested in a piece of land to the rear of the Town Hall to provide room for the building to be extended. It runs the town's outdoor and indoor markets and on Saturdays provides one stall for the free use of other charities or community groups. The town trust also manages the Market House, the Market Cross and the Arts Centre (which was the Old Grammar School). Overall, the clerk

⁴ Marazion History Group, *op cit*, 1-2.

⁵ Interview with Kate Rowe, Clerk to Garstang Town Trust, 26 March 2014.

⁶ *Garstang Courier*, 26 March 2014.

said, 'I feel that the trust is good for the town and to my knowledge no-one has objected to its existence in the last fifteen years'.

5. Holt Town Trust

Like the trust at Garstang, Holt Town Trust is a supporter of good community causes in the locality. The organisation's website states that the income it derives from renting out its land and properties (which include the Town Hall and the town's allotments) is used to benefit the people and organisations within the ancient borough of Holt. It goes on to list the causes it has supported over the last five years. The entry for 2012 is listed overleaf:⁷

2012	£
Remembrance Day Wreath	60
Holt CP School	1,000
Cleaner's wages (contribution)	1,100
St Chad's Church	500
Holt Thursday Club	125
Kenyon Hall Jubilee celebrations	250
Holt Bell Ringers	134
Street Lighting	2,475
Total	5,644

Whilst this is not a huge amount of money, it is indicative of a community orientated small charity, which is well thought of in the town. To the current knowledge of the chair, there have never been any challenges to the existence of the trust.⁸

6. Bradninch Town Trust

Bradninch Town Trust (Devon) is also viewed favourably by its community, a population of around 2,000. This trust was struggling financially until its sale of The Old Schoolhouse in 2009.⁹ Now, with sound finances and an income of £800 per month, it is seen as a useful adjunct to the community, particularly by the thirty plus groups that take it in turns to run the Saturday Coffee Morning in The Guildhall.

This is the major asset of the trust and it is a well used facility - the trustees are currently raising £16k to repair the roof. 'The town council would not want the responsibility of managing The Guildhall', (a comment made by Phil Chambers, a council nominated trustee). The elderly of the town are given a £100 voucher every Christmas and the trustees are currently reviewing their contributions to other local 'good works'. One secret of their success might be that, unlike most other town trusts, they are not secretive - they set out all their previous year's minutes at the annual town meeting.¹⁰

7. Harton Town Trust

The existence of a town trust at Harton (Devon) has been challenged at a couple of the Annual Town Meetings and by an occasional letter to the trustees. Nothing has come of such challenges and the trust is viewed appreciatively by its community – if only as a provider of local social housing.

⁷ Holt Town Trust, 5 February 2014, www.holtvillage.co.uk

⁸ Statement made by Bob Campbell, chair, Holt Town Trust, 19 September 2014.

⁹ See pp. 168-9 above.

¹⁰ Interview with Jane Fogden, clerk to Bradninch Town Trust, Phil Chambers, council nominated trustee, Pete Lucy, co-opted trustee, 13 April 2014.

The only assets that this charity now owns are eight letting properties and one garage. In that sense, the charity could be viewed as no different from any other landlord that specialises in affordable housing.¹¹ A Town Hall, or a village green, tend to be more controversial public assets than a handful of social houses and as such there is little owned by Harton Town Trust with a propensity to generate enmity or suspicion in the community.

8. New Radnor Town Trust

The trust at New Radnor (Powys) has always possessed but one asset and that is the Town Hall that was owned by the town's former corporation which was abolished by the 1883 Municipal Corporations Act. This is currently an unemotive issue as the community council (the equivalent of parish council in Wales) has its own centre. This is a very low key trust that meets only once a year for an AGM. The Town Hall has two long-term tenants – on the first floor there is a picture framing business and, on the ground floor is the town's snooker club. There have never been any challenges to this charity's existence.¹²

9. Camelford Town Trust

Like the trust at New Radnor, Camelford (Cornwall) is currently a single-asset Town Hall trust. The Charity Commission website states that, 'The trustees look after the Town Hall and surrounding land'. Jill Jeffs, the current clerk to the trust, has confirmed in a telephone conversation that the ownership of the Town Hall is not an emotive issue between trust and council.¹³

10. Bovey Tracey Town Trust

None of the trustees of this charity responded to the author's request for information. Therefore a categorisation has been drawn from the only information available. The Charity Commission website states:

Primarily the trust funds the upkeep of three almshouses in Bovey Tracey. The trustees have a limited income from the rental of a television mast in a small field that the trust owns. The charity distributes approximately 20 per cent of this income to other local charitable organisations.¹⁴

The concentration on social housing makes this trust most comparable with Harton in the same county. As the provision of social housing tends to be an unemotive topic, it is thought unlikely that Bovey Tracey Town Trust has ever caused local governance problems.

11. Cilgerran Town Trust

Similarly, the Charity Commission website says of the trust at Cilgerran:

The trustees maintain the town trust land, footpaths and riverbank for the village residents and tourists to enjoy.¹⁵

¹¹ Questionnaire completed by Steve Hobbs, historian of The Hartland Society and letter from Peter Yelland, town trustee, 14 March 2014.

¹² Telephone conversation with Penny Everett, former clerk, New Radnor Town Trust, 15 July 2014.

¹³ Telephone conversation with Jill Jeffs, 21 April 2014.

¹⁴ Charity Commission, Search for a Charity, Advanced Search, 17 July 2014, www.charity-commission.gov.uk

¹⁵ Charity Commission, Search for a Charity, Advanced Search, 17 July 2014, www.charity-commission.gov.uk

The income from this trust in 2012 was only £100.¹⁶ It is thought that this stems from the ground rents charged to the tenants of houses that have been built on town trust land.¹⁷ At this level of income there are unlikely to have ever been any clashes with the Cilgerran Community (equivalent of parish) Council.

12. Loughor Town Trust

Similarly again:

This charity is responsible for the upkeep of the Old Town Hall and informing the local community and schools about the long history of the area.¹⁸

Loughor Town Trust is a single asset charity with responsibility for the Old Town Hall, similar, therefore, to the trust in New Radnor. The trust at New Radnor causes no local governance problems and it is unlikely that this charity does either.

13. Nefyn Town Trust

And again:

This charity provides reasonably priced rental accommodation for people within the town of Nefyn in the county of Gwynedd. It is also responsible for the maintenance and modernisation of the properties. The charity also gives donations for projects within the community.¹⁹

This trust concentrates on social housing but it is much bigger than Harton or Bovey Tracey (both Devon); Nefyn Town Trust (Gwynedd) currently owns more than twenty houses. However, the point of principle is that the provision of social housing by a charity tends to be an unemotive topic in local governance; it is thought it unlikely that Nefyn Town Trust has ever been in dispute with Nefyn Community (equivalent of parish) Council.

¹⁶ See p. 179 above.

¹⁷ *Cardigan and Teifyside Advertiser*, 24 October 1958.

¹⁸ Charity Commission, Search for a Charity, Advanced Search, 17 July 2014, www.charity-commission.gov.uk

¹⁹ *Ibid.*

GLOSSARY OF TERMS

‘Democracy’ and ‘democratic’

The term ‘democracy’ means rule by the people. Early examples of ‘democracy’ in the Athens of BC, the Italian city states of the Middle Ages or the pre-nineteenth-century Swiss Cantons involved male citizens meeting in frequent assemblies to decide the law on every matter in their societies. In other words, those who had the vote produced all of their societal rules and regulations. These are examples of direct democracy – involving the continuous participation of citizens in government.¹

This is not what is meant by ‘democracy’ in this thesis. Neither is ‘democracy’ in this thesis a term that includes all of its twenty-first-century trappings of fairness; regular elections, similar sized constituencies, a free and diverse media enabling a wide expression of views, a limit on election expenses, paid MPs (salaries and expenses) etc, etc.

What is meant by the term ‘democracy’ in this thesis is ‘man (and woman) hood suffrage’ - that form of government in which all adults have a voice, through a secret ballot vote, in the exercise of power (both nationally and locally). This is representative democracy – involving indirect government by the people through the representatives that they elect.² It is recognised that ‘manhood suffrage’ and therefore ‘democracy’ did not exist in nineteenth-century England and Wales (with the possible exception of parish elections post 1894).³

It is also recognised that twenty-first century debates still exist about how far this ‘democratic’ representativeness is adequate – how far surviving checks on democracy need to be changed – and how far representation itself can be regarded as ‘democratic’ (particularly regarding proportional representation).⁴ ‘Manhood suffrage’, is, however, the definition of ‘democracy’ used throughout this text – one person, one vote for a representative (or a number of representatives) in both parliamentary and local elections. Nineteenth (and twentieth) century progress towards ‘manhood suffrage’ is the story that lies behind this project.

The term ‘semi-democratic’ has been applied to the town trusts that are the subject of this thesis. This is because approximately half of the trustees were elected councillors whereas the other 50 per cent were self-appointed volunteers. The term ‘non-democratic’ or ‘undemocratic’ has been applied to the unreformed corporations that preceded the town trusts. Most of the officials of these bodies were self-appointed and therefore unelected.

Town and borough

Arriving at a definition of a town has proved difficult for previous historians in that anomalies of size, antiquarian decline and upstart wealth or fashion had all to be taken into consideration. There would seem to be three aspects that have been used to define the term. The first is functional and economic: ‘a town is a permanent and concentrated human settlement in which a significant proportion of the population is engaged in non-agricultural occupations that serve a rural hinterland’. The second is social and distinctive: ‘the

¹ Bill Coxall, Lynton Robins and Robert Leach, *Contemporary British Politics* (Basingstoke, 2003), 6.

² *Ibid.*, 6.

³ Michael Bentley, *Politics without Democracy, Great Britain, 1815-1914* (Oxford, 1984), 13.

⁴ Ian Machin, *The Rise of Democracy in Britain, 1830-1918* (Basingstoke, 2001), vii – 21.

inhabitants of towns normally regard themselves, and are regarded by those who live in predominantly rural settlements, as a different sort of people'.⁵ The third is legal and constitutional: 'whether or not the place in question has been declared an incorporated borough at some stage in its history'.⁶

It is this third aspect of the definition that is the concern of this thesis. Throughout the text the size and area of a settlement, the economic occupations of its inhabitants and social distinctions between urban and rural dwellers have all been ignored. The examples of the Royal Commissioners of 1876-80 who referred to the places they investigated as 'towns', and the Charity Commissioners, who decided in the period 1888-91 to call the resultant organisations 'town trusts', have been followed. In this piece of writing, the word 'town' is synonymous with the word 'borough' as all of the places researched had been incorporated by the beginning of the nineteenth century.⁷

Municipal Corporation

In the context of the history of local government in England and Wales, a municipality was a town or a borough that had been granted incorporated status by a royal or other charter or alternatively had self-prescribed itself as such. This meant it could run its own court and raise its own rates. A nineteenth-century town that had been municipally incorporated was independent (financially and in every other way) from the government of the county in which it was geographically situated.

Local government tiers

With one exception, all of the towns researched for this project are governed today by third-tier local government bodies, either parish or town councils. The exception is Dunwich (Suffolk) which, since 1894, has always been too small to have a parish council.⁸ These third-tier councils are subordinate to both second-tier (city or district) and first-tier (county) councils. First-tier councils provide their public with services such as schools and policing, second tier councils services such as waste collection and the handling of planning applications, whereas third-tier councils manage very local provisions such as recreation grounds, allotments, bus shelters and public seating.

Parish councils and town councils

The Local Government Act that became law in March 1894 gave every village with a population of more than 300 residents the right to lobby its county council for permission to elect its own parish council. Approximately 7,000 did so successfully and the first elections were held the following December, with the parish councillors taking office on 1 April 1895.⁹ These councils had between five and fifteen members – the number being determined by their respective county councils.¹⁰

⁵ Susan Reynolds, 'The Writing of Urban Medieval History in England', *Theoretische Geschichte*, volume 19, (1992), 49-50.

⁶ D.M Palliser, (ed.), *The Cambridge Urban History of Britain*, Vol. 1, (Cambridge, 2000), 5.

⁷ John West, *Town Records* (Worcester, 1983). xiii.

⁸ With a population of only 213 at the 1891 census, Dunwich did not meet the minimum size requirement for a parish council (300) as determined by the 1894 Local Government Act. Today, there are only eighty-four names on the electoral roll. Interview with Angela Abell, chair, Dunwich Town Trust, 15 November 2012.

It should be noted that the population of Fordwich (Kent) was also less than 300 in 1891. This trust town, however, did apply to Kent County Council for a parish council and was granted one.

⁹ G.R. Searle, *A New England? Peace and War, 1886-1918* (Oxford, 2004), 126, 223.

¹⁰ G.F. Emery, *Handbook for Parish Councils* (London, 1895), 2.

One might assume that a parish had to grow to a certain minimum population size before it has the right to call its electoral body a town council. This, however, would be incorrect logic. The Electoral Commission provides the following guideline:

There is no difference between a parish and a town council. They both have the same powers and provide the same sort of services. The only difference is that a town's councillors have decided at some time in the past that the body they serve should be known as a town council instead of it remaining a parish council. This name change has sometimes been made only because it entitles the councillors to elect a mayor.

Mayor

There is also no meaningful distinction between the town councils that choose to elect a mayor and those that do not. The existence of a mayoral position merely demonstrates a desire for ceremony on the part of a town's democratic representatives. At this third level of local government, the job description of a town mayor contains no more, or no less, responsibilities than that of the chair of a town council or, indeed, of the chair of a parish council.¹¹

Vestry

A vestry is literally a room attached to a church used by the clergy for changing into ceremonial vestments. It is put into use as an office when wedding witnesses (and the bride and groom) retire to sign a certificate after a marriage service. During the eighteenth and nineteenth centuries, the term also came to mean a meeting of parishioners for the conduct of parochial business.

Prior to the creation of parish councils in 1894, in many towns local government activities such as watering the streets to keep down the dust and keeping the graveyards tidy, if they were undertaken at all, were performed at the direction of the Church of England through their churchwardens. Churchwardens were elected at a meeting of the vestry. All ratepayers of the parish had the right to attend and to vote at a vestry election but few usually did so.¹² Obviously this did not apply in towns that were dominated by nonconformists.

Pre-1832 English boroughs

There were 202 English boroughs before the Great Reform Act and they returned 403 MPs to Westminster. (The Cornish town of Grampound was disenfranchised in 1826 and its seats passed to the County of Yorkshire). There were seven types of borough franchise, although some had mixed rights of election; freeman, livery, freeholder, burgage, corporation, potwalloper and scot-and-lot.

Most English boroughs returned two MPs. There were five who returned a single member, Abingdon (Scot-and-lot), Banbury (Corporation), Bewdley, Higham Ferris and Monmouth (all Freeman). (Monmouth was regarded as an English county and town before the 1832 Reform Act). The combined borough of Weymouth and Melcombe Regis (Freeholder) had been united by an Act of Parliament in 1571 and returned four MPs as did the City of London (Livery).

¹¹ The Electoral Commission, *About Parish and Town Councils* (London, 2007), 2-3.

¹² Sir Robert Ensor, *England 1870-1914* (Oxford, 1932, reprinted 1992), 124.

Freeman borough

Prior to 1832, the freemen of this type of borough managed its affairs through a corporation and acted in its name. To become a freeman, an individual had to 'gain his freedom', achieved by persuading an existing body of freemen, meeting in a Grand Assembly, to pass a formal resolution granting the applicant his wish, followed by his taking the prescribed oath. The freemen were of two types: those who lived or owned property in the borough were known as 'insetters'. Those who resided elsewhere were 'outsetters'. The 'insetters' did not have to pay an annual fee, or fine, for which the 'outsetters' were liable.¹³ There were ninety freeman boroughs that held a parliamentary franchise and they returned 177 MPs. (Grampound had been a freeman borough before its disenfranchisement in 1826).

Livery

There was only one borough with a livery franchise before 1832 and that was the City of London. Its electorate consisted of an estimated 12,000 freemen (both resident and non-resident) who also had to be members of a livery company. They were predominantly smaller merchants, shopkeepers and artisans. Had the franchise included all freemen at large the electorate would probably have been ten times greater than that shown above. London returned four MPs to Westminster.¹⁴

Freeholder borough

There were only eight freeholder boroughs that held a parliamentary franchise before the Great Reform Act of 1832. In order to vote on local issues or in a national election, a voter had to own the freehold of a piece of land (an ancient messuage or a burgage tenement) within the borough boundary. In some of these boroughs voters were required to be resident; in others non-resident freeholders were allowed to vote.

Burgage borough

Before the first Reform Act, a burgage borough was run by a corporation consisting of individuals who were elected by those possessing a tenancy to at least one burgage plot. This was a narrow strip of agricultural land that measured 11 yards wide by 110 yards deep. (A yard is slightly less than a metre). If it was one of the thirty burgage parliamentary boroughs, the tenants also elected the MPs.

Corporation borough

In the early nineteenth century, the twenty-five corporation boroughs that possessed a national franchise were usually 'pocket' boroughs. They were controlled by a patron ('in his pocket'), who would ensure that only those individuals who would agree to follow his lead and vote for his nominees, were considered for membership of the corporation. Only corporation members were permitted to vote in national elections.

Potwalloper borough

In the first three decades of the 1800s, and only in a small minority of twelve English parliamentary boroughs, the MPs were elected by potwallopers (householders who were

¹³ Dr O. Pickard, *The Little Freemen of Dunwich* (Dunwich, 1997), 2.

¹⁴ D.R. Fisher, *House of Commons, 1820-32, II Constituencies, Part 1* (Cambridge, 2009), 674.

deemed to be self-sufficient and able to keep their own cooking pot on the boil). Potwallopers qualified as parliamentary voters in national elections merely by *not* being in receipt of poor relief.

Scot-and-lot borough

During the same period, in a larger minority of thirty-six other English borough constituencies, the MPs were elected by scot-and-lot electors (scot, a payment; lot, a portion or share). The voters qualified by owning a property on which a poor rate was levied.¹⁵

Pre-1832 Welsh boroughs

The enduring assumption made by historians, that the twelve pre-1832 Welsh parliamentary boroughs were uniformly Scot-and-lot and/or Freeman franchises, requires substantial qualification. Nearly every town that was part of the main borough and out-borough electoral system (thirty-eight) seemingly had a different variant on these two types of franchise. What they had in common was that they all had a corporation, were dominated by lords of the manor and returned only one MP only to Westminster.¹⁶

¹⁵ D.R. Fisher, *House of Commons, 1820-32, I Introductory Survey, Appendices* (Cambridge, 2009), 25-68. Definitions and numbers of the seven types of pre-1832 borough franchise were obtained from the above. See also Table 3.6 on p. 64 above.

¹⁶ *Ibid.*

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No.	Name	Date	Method
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2.	Atkins, Robin, trustee, New Alresford Town Trust.	9 August 2010	F-2-F.
3.	Backhouse, Marie, clerk, Orford & Gedgrave Parish Council.	23 October 2013.	Email.
4.	Bourne, Jonathan, clerk, Royal Wootton Bassett Town Council.	20 June 2012.	Email.
5.	Campbell, Bob, chair, Holt Town Trust.	19 September 2014.	Phone.
6.	Carey, John, clerk, Dunwich Town Trust.	15 November 2012.	F-2-F.
7.	Chambers, Phillip, nominated trustee, Bradninch Town Trust.	13 April 2014.	F-2-F.
8.	Currah, John, clerk, West Looe Town Trust.	20 February 2013.	Email.
9.	Dufton, Michael, clerk, Winchcombe Town Trust.	19 May 2014.	Email
10.	Ellis, Joanna, clerk, Chipping Campden Town Council.	28 August 2012.	Email.
11.	Elston, Quentin, lawyer specialising in charity law.	11 July 2010	Phone.
		11 January 2011.	Phone.
12.	Elsworth, Jim, chair, Chipping Sodbury Town Lands Trust.	23 August 2012.	F-2-F.
13.	Evans, Peter, former clerk, Pevensey Town Trust.	22 June 2012.	Email.
14.	Evans, Sandra, clerk to Caerwys Public Hall Trust.	9 April 2013.	Email.
15.	Everett, Penny, former clerk to New Radnor Town Trust.	15 July 2014.	Phone.
16.	Farrar-Mills, Chris, clerk, Pevensey Town Trust.	20 August 2014.	Email.
17.	Fogden, Jane, clerk, Bradninch Town Trust.	13 April 2014.	F-2-F.
18.	Galloway, David, chairman, Overton Village Hall Trust.	12 March 2014.	Phone.
19.	Gentry, Roy, New Alresford councillor and town trustee.	10 December 2010	F-2-F.
		21 June 2012.	F-2-F.
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22.	Harvey, Keith, Town Clerk, Westbury Town Council.	15 September 2012.	Email.
23.	Hayes, Catrina, clerk, Chipping Sodbury Town Trust.	28 August 2012.	Email.
24.	Haywood, Louise, clerk, Corfe Castle Town Trust.	7 October 2014.	Email.

25.	Hobbs, Steve, local historian, The Hartland Society.	14 March 2014.	Q'aire.
26.	Hobbs, Steven, archivist, Wiltshire Record Office.	13 September 2012.	Email.
27.	Horsfall, Sue, clerk Thornbury Town Council	26 August 2015	Phone
28.	Hughes, Colin, town councillor, Midhurst.	7 October 2014.	Phone.
29.	Hulme, Suzanne, trustee, Corfe Castle Town Trust.	4 September 2012.	F-2-F.
30.	Jeffs, Jill, clerk, Camelford Town Trust.	21 April 2014.	Phone.
31.	Jenkins, Marilyn, clerk, Holt Town Trust.	19 May 2013.	Email.
32.	Johns, Philip, trustee, Harton Town Trust.	14 March 2014.	Letter.
33.	Luckham, Mark, former New Alresford town trustee.	9 August 2010	F-2-F.
34.	Lucy, Peter, Co-opted Trustee, Bradninch Town Trust	13 April 2014.	F-2-F.
35.	Martin, Judy, clerk, East Looe Town Trust.	11 March 2014.	Letter. Q'aire.
36.	Masters, Gerry, former chairman, Ilchester Town Trust.	4 July 2012.	F-2-F.
37.	Mitchell, John, clerk, Marazion Town Trust.	4 March 2013.	Phone.
38.	Moore, David, chair, Camelford Town Trust.	24 April 2014.	Letter.
39.	Orton, Len, former New Alresford town trustee.	9 August 2010	F-2-F.
40.	O'Sullivan, Samantha, lawyer specialising in charity law.	11 July 2010.	Phone.
		11 January 2011.	Phone.
41.	Owen, Hew, clerk, St Clears Town Trust.	19 May 2014.	Email.
42.	Page, John, trustee, Axbridge Town Trust.	2 December 2011.	F-2-F.
43.	Parkinson, Clive, chair, Thornbury Town Trust.	29 June 2014.	Email.
44.	Pierce, Catherine, former trustee, Dursley Town Trust.	17 May 2012.	F-2-F.
45.	Pierce, Gerry, current trustee, Dursley Town Trust.	17 May 2012.	F-2-F.
46.	Pullen, Nigel, chair, New Radnor Town Trust.	18 July 2014.	Phone
47.	Rabitts, Francis, clerk, Axbridge Town Trust.	2 December 2011.	F-2-F.
		9 September 2012.	Email.
48.	Rowcroft, Lynne, clerk, Yarmouth (IOW) Town Trust.	9 December 2011.	F-2-F.
		27 February 2012.	F-2-F.
		7 October 2014.	Phone.
49.	Rowe, Kathleen, clerk, Garstang Town Trust.	26 March 2014.	F-2-F.
50.	Rudwick, Tim, clerk, Midhurst Town Trust.	30 May 2012.	F-2-F.
51.	Shipp, David, chair, Chipping Sodbury Town Trust.	23 August 2012.	F-2-F.
52.	Spiers, Debbie, Town Clerk, Berkeley Town Council.	19 June 2012.	Email.
53.	Sykes, Glenys, Town Clerk, Wotton-under-Edge Town Council.	4 September 2012.	Email
54.	Tappenden, Clive, archivist, Yarmouth (IOW) Town Trust.	9 December 2011.	F-2-F.
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55.	Tomey, J. Kent, chair, Clun Town Trust.	1 November 2013.	Email.
56.	Walters, Katherine, clerk, Kenfig Corporation Trust.	17 June 2014.	Email.
57.	Williams, Robin, Town Clerk, Langport Town Council.	28 August 2012.	Email.
58.	Yardley, Peter, local historian, Berkeley, Gloucestershire.	22 March 2012.	Letter.
59.	Yelland, Peter, Treasurer, Harton Town Trust	14 March 2014.	Letter.

Note: All of the above individuals gave their verbal or written permission for their names to be quoted either in the footnotes or in the bibliography of this thesis.

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